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VERSIONS: Full volume

## Wisconsin Guide to Citation

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## Wisconsin Guide to Citation

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1. The Wisconsin Supreme Court has power to set citation form for state court system as part of rules of pleading and practice. Wis. Stat. § 751.12; SCR ch. 80.
2. The court has adopted the citation formats recommended in The Bluebook: A Uniform System of Citation for citations in briefs and memoranda filed with the court. SCR 80.02 sets forth the requirements for proper citation of cases in documents filed with the supreme court or court of appeals. Notice to Members of the Bar, 74 Wis. 2d xxxix (1976); Wis. Stat. § 809.19(1)(e).

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4. Citation of Unpublished Opinions Committee, Final Report to Wisconsin Supreme Court (Mar. 2012), <https://wicourts.gov/publications/reports/docs/unpublishedopinionsfinal.pdf>.
5. Chicago Manual of Style (17th ed. 2017).
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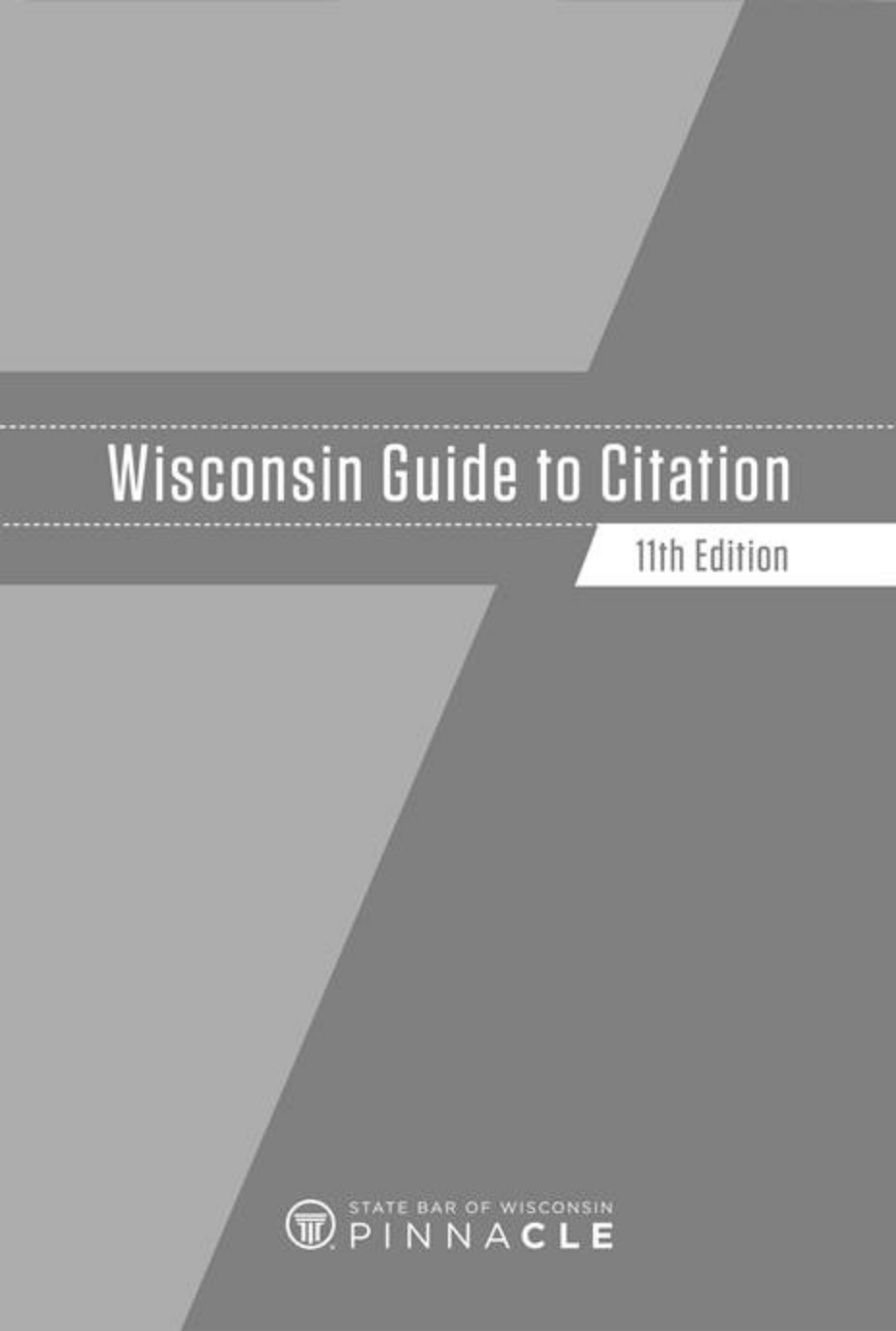
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## Wisconsin Guide to Citation



State Bar of Wisconsin  
5302 Eastpark Blvd., Madison, WI 53718  
<https://www.wisbar.org>

© 2024 by the State Bar of Wisconsin  
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Printed in the United States of America  
28 27 26 25 24 5 4 3 2 1

ISBN 978-1-57862-701-1  
Product Code AK0230  
Library of Congress Control Number 2024938266



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This book is presented with the understanding that the publisher does not render any legal, accounting, or other professional service. Due to the rapidly changing nature of the law, information contained in this publication may become outdated. As a result, anyone using this material must always research original sources of authority and update this information to ensure accuracy when dealing with a specific client's legal matters. In no event will the authors, the reviewers, or the State Bar of Wisconsin be liable for any direct, indirect, or consequential damages resulting from the use of this material.

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## Preface

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The *Wisconsin Guide to Citation* is a practical resource for Wisconsin attorneys, law clerks, paralegals, legal assistants, and other legal professionals. Its goal is to show the proper format for citing to primary and secondary authorities that are commonly referred to in documents submitted to Wisconsin courts and administrative agencies.

The *Guide* emphasizes Wisconsin authorities: published and unpublished appellate opinions, circuit court opinions and other court documents, administrative agency decisions, attorney general opinions, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, jury instructions, rules of professional responsibility, and court rules. The *Guide* also shows how to cite to opinions of the federal courts and to selected federal statutes and regulations. Finally, the *Guide* instructs on how to cite to some common secondary authorities, such as *American Law Reports*, legal encyclopedias, restatements, books and treatises, and articles in periodicals. The *Guide* includes sections discussing general rules of citation, including an introduction to *The Bluebook: A Uniform System of Citation*, common issues related to case citations, generally applicable citation rules, and citation to electronic databases and other online sources. Sections also discuss how to cite uniform acts, model codes, sentencing guidelines, and standards; social media posts; blog posts; and podcasts.

The Wisconsin Supreme Court has laid out the requirements for citing to Wisconsin appellate court opinions, including use of the public domain citation, in chapter 80 of the Wisconsin Supreme Court Rules. The court has adopted the rules in *The Bluebook* for all other citations in documents that are filed with the court. *See infra* §§ 2, 3. *The Bluebook*, however, does not provide detailed instructions for citing to all Wisconsin authorities. Therefore, although the examples in the *Guide* are largely based on the rules in *The Bluebook*, some of their details—for example, the order of information in citations and the placement of punctuation—have been extrapolated from *Bluebook* rules. Similarly, the citation format for administrative agency decisions, though generally conforming to *The Bluebook*'s rules, has been developed with help from agency personnel.

Undoubtedly, persons who prepare and type documents with legal citations will encounter authorities that the *Guide* does not address. When this occurs and there is no specific rule in *The Bluebook*, consult the sections discussing *The Bluebook*'s general rules of citation and style. *See infra* §§ 4–8. Some authorities also provide their own recommended citation formats, but these may differ substantially from *The Bluebook*'s general rules. A good rule of thumb is to provide the minimum amount of information that will direct the reader to the authority being cited, using accepted abbreviations and symbols, and to treat citations consistently.

STATE BAR OF WISCONSIN

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## Acknowledgments

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The original *Wisconsin Guide to Citation* was adapted from material in *Wisconsin Attorney's Desk Reference*, also published by the State Bar of Wisconsin. The preparation of the 11th edition of the *Guide to Citation* was coordinated by attorney editor Margie DeWind and production coordinator Jackie Johnson. We acknowledge the contributions of those individuals who provided assistance, suggestions, and feedback on earlier editions of the *Guide*: Amy J. Thornton, Bonnie Shucha, Melissa Love Koenig, James Pflasterer, Mayumi Ishii, Marshall Gratz, Peter G. Davis, David B. Nance, Pamela J. Rasche, David H. Schwarz, Kurt M. Stege, Aviva Meridian Kaiser, and Marilyn Graves.

# Wisconsin Guide to Citation

## I. INTRODUCTION [§ 1]<sup>1</sup>

### A. Citation Form Prescribed [§ 2]

1. The Wisconsin Supreme Court has power to set citation form for state court system as part of rules of pleading and practice. [Wis. Stat.](#) § 751.12; [SCR](#) ch. 80.
2. The court has adopted the citation formats recommended in *The Bluebook: A Uniform System of Citation* for citations in briefs and memoranda filed with the court. [SCR](#) 80.02 sets forth the requirements for proper citation of cases in documents filed with the supreme court or court of appeals. *Notice to Members of the Bar*, 74 Wis. 2d xxxix (1976); [Wis. Stat.](#) § 809.19(1)(e).

#### [SCR](#) 80.02 Proper citation.

(1) The citation of any published opinion of the court of appeals or the supreme court in the table of cases in a brief and the initial citation in a memorandum or other document filed with the court of appeals or the supreme court shall include, in the order set forth, a reference to each of the following:

- (a) the public domain citation, if it exists;
- (b) the volume and page number of the Wisconsin Reports in which the opinion is published;
- (c) the volume and page number of the North Western Reporter in which the opinion is published

(2) Subsequent citations shall include at least one of the references in sub. (1) and shall be internally consistent.

(3) (a) Citation to specific portions of an opinion issued or ordered to be published prior to January 1, 2000, shall be by reference to page numbers, in the following form:

*Smith v. Jones*, 214 Wis. 2d 408, 412.

*Doe v. Roe*, 595 N.W.2d 346, 352.

(b) Citation to specific portions of an opinion issued on or after January 1, 2000, shall be by reference to paragraph numbers, in the following form:

*Smith v. Jones*, 2000 WI 14, ¶6

*Smith v. Jones*, 214 Wis. 2d 408, ¶12

*Doe v. Roe*, 2001 WI App 9, ¶17

*Doe v. Roe*, 595 N.W.2d 346, ¶27

(c) Citation to specific portions of an opinion issued prior to January 1, 2000, and ordered to be published after January 1, 2000, shall be by reference to paragraph numbers if they exist or to page numbers if paragraph numbers do not exist.

CAUTION: Although the citation format used in this publication conforms to most rules in *The Bluebook*, readers should be aware that the Wisconsin Supreme Court, the Wisconsin Court of Appeals, and the State Bar of Wisconsin's Professional Development Department, Books Division, all use their own citation formats. Although these formats are similar in most respects, each has features distinct from the others and from *The Bluebook*. In communicating with Wisconsin courts, attorneys *must* follow [Wis. Stat.](#) § 809.19(1)(e), which states, in pertinent part, that parties must provide "citations to the authorities, statutes and parts of the record relied on as set forth in the Uniform System of Citation and [SCR](#) 80.02."

### B. Resources [§ 3]

1. *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020).
2. Theodore A. Potter et al., *Legal Research in Wisconsin* (2d ed. 2008).
3. Patricia A. Cervenka & Leslie Behroozi, *Wisconsin Legal Research* (2011).

4. Citation of Unpublished Opinions Committee, *Final Report to Wisconsin Supreme Court* (Mar. 2012), <https://wicourts.gov/publications/reports/docs/unpublishedopinionsfinal.pdf>.
5. *Chicago Manual of Style* (17th ed. 2017).
6. Bryan A. Garner, *Garner's Dictionary of Legal Usage* (3d ed. 2011).
7. William Sabin, *Gregg Reference Manual* (11th ed. 2010).

## II. GENERAL RULES ON CITATION [§ 4]

CAUTION: The following is an overview of *The Bluebook*, highlighting common issues. It is important to review the rules in their entirety to ensure that no exceptions apply.

### A. Introduction to *The Bluebook* [§ 5]

#### 1. Overview

*The Bluebook* is both a citation manual and a style guide. It is divided into three sections: the Bluepages (light blue pages at the beginning of the book), the Whitepages (white pages in the middle), and the tables (white pages edged in dark blue at the end). Use the table of contents and the index to locate the rules for a specific citation format. *The Bluebook* also includes a quick reference guide to court documents and legal memoranda inside the back cover.

NOTE: To comply with ethics and professional standards when creating legal documents, a writer must add a supporting citation when asserting a legal principle, referring to a case (including the case facts), or quoting from a legal source. Simply put, a citation is required any time a writer refers to a primary or secondary legal source. A *primary source* is the law: a constitution, a case, a statute, or an administrative regulation. A *secondary source* is a commentary on the law such as a law review article, legal encyclopedia, or treatise. Lawyers can use artificial intelligence (AI) tools when creating legal documents but have an obligation to check the results of AI for relevancy and accuracy. *See, e.g.,* Aviva Meridian Kaiser, *Ethical Obligations When Using ChatGPT*, Wis. Law., Feb. 2023, <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=96&Issue=2&ArticleID=29597#1> (“Lawyers using ChatGPT must carefully manage nonlawyer assistance, protect confidentiality, provide competent representation, exercise independent professional judgment, verify the accuracy and authenticity of text and citations generated by the software, and perform other duties owed to clients and third parties.”)

#### 2. Bluepages

The Bluepages are the light blue pages in the front of *The Bluebook*. The rules in the Bluepages govern citation and style conventions used by lawyers who write documents for filing with a court and for internal office use.

#### 3. Whitepages

The general rules of citation and style are found in the white pages after the Bluepages. Rules 1–9 prescribe conventions in legal writing such as capitalization, spacing, short citation forms, quotations, and abbreviations. Rules 10–21 prescribe formats for citations to primary and secondary sources. Those rules refer to each other, as well as to the rules in the Bluepages on how to convert law-review-format-like typeface into the proper format for court documents and legal memoranda.

#### 4. Tables

The tables are the pages with dark blue edges at the end of *The Bluebook*. Table T1 identifies citation formats for U.S. federal and state law. Tables T2–T5 identify citation formats for foreign jurisdictions, intergovernmental organizations, treaty sources, and arbitral reporters. Tables T6–T16 identify abbreviations used within citations.

NOTE: The examples in the Whitepages use the typeface appropriate for law-review writing. Attorneys must adapt the typefaces found in the rules to conform to the conventions of practice by referring to rule B2 in the Bluepages. Large and small caps are not used in court documents and memoranda. Only the following types of words and phrases are underscored or italicized in court documents and memoranda: case names; book and article titles; titles of certain legislative materials (but not statute citations); introductory signals; explanatory phrases; *id.*, *supra*, and other cross-references; and words or phrases introducing related authority. Refer to internal office style guides as well as local court rules when deciding how to show emphasis. For example, the appellate e-filing rules also provide that, in addition to italics, “bold may be used only for citations, headings, and emphasis.” [Wis. Stat. § 809.19\(8\)\(b\)3.c](#). Be consistent throughout the document: either italicize all references or underscore all references.

NOTE: Table T2 (Foreign Jurisdictions) has moved online (<http://www.legalbluebook.com>) with the 21st edition of *The Bluebook*. This provides two benefits: (1) the material can be updated more frequently online, and (2) the book is substantially thinner.

## B. Cases [§ 6]

### 1. Public Domain Citation Format

See [SCR 80.001](#), [SCR 80.01](#); *Bluebook* tbl.T1.3.

#### a. Wisconsin Supreme Court Opinions

NOTE: All Wisconsin Supreme Court opinions are published in the two official reporters, *Callaghan's Official Wisconsin Reports* and the *Wisconsin Reporter* edition of the *North Western Reporter*, both published by Thomson Reuters. Before an opinion is published in the official reporters, the supreme court will post the opinion on its website. Commercial electronic legal databases such as Westlaw and LEXIS also provide access to supreme court opinions before they officially appear in the reporters.

All Wisconsin Supreme Court opinions issued on or after January 1, 2000, also include a public domain citation. A public domain citation is a state court's own citation form that can be used by any publisher without requiring reference to the proprietary products of any publisher and can apply to either paper or electronic format. The Wisconsin public domain citation consists of the year the opinion is issued (note that the Wisconsin Court of Appeals uses the date the opinion is ordered published), the abbreviation “WI” for the issuing court, and the opinion's sequential number. For example, opinion 2023 WI 15 was the 15th Wisconsin Supreme Court decision issued in 2023.

Initial citation to a supreme court opinion must include the public domain citation, the *Wisconsin Reports* citation, and the *North Western Reporter* citation, in that order. Later references to an opinion may be to any of these citations, as long as the references within the document are internally consistent. [SCR 80.02\(1\)](#), (2).

NOTE: Citations containing the public domain citation do not contain a court and date parenthetical because the public domain citation contains that information.

- *Phillips v. Wis. Elections Comm'n*, 2024 WI 8, 410 Wis. 2d 386, 2 N.W.3d 254.
- *Phillips*, 2024 WI 8, ¶ 2.
- *State v. Felix*, 2012 WI 36, ¶ 4, 339 Wis. 2d 670, 811 N.W.2d 775.
- *Felix*, 339 Wis. 2d 670, ¶ 51.

#### b. Wisconsin Court of Appeals Opinions

All Wisconsin Court of Appeals opinions ordered published on or after January 1, 2000, include a public domain citation. The public domain citation consists of the year in which the court of appeals orders the opinion to be published (in contrast to the supreme court's use of the date on which the opinion is published), the abbreviation “WI App” for the issuing court, and the opinion's sequential number. The Clerk of the Wisconsin Supreme Court and Court

of Appeals assigns public domain citations for published court of appeals opinions based on the sequential order in which the opinions are ordered published each year.

The first reference to a court of appeals opinion must include the public domain citation, the *Wisconsin Reports* citation, and the *North Western Reporter* citation. Later references to an opinion may be to any of these citations, as long as the references within the document are internally consistent. [SCR 80.02\(1\)](#), (2).

- *Flanagan v. Stumble Inn LLC*, 2023 WI App 31, 408 Wis. 2d 532, 992 N.W.2d 867.
- *Flanagan*, 2023 WI App 31, ¶ 9.
- *City of Appleton Police Dep't v. Lab. & Indus. Rev. Comm'n*, 2012 WI App 50, ¶ 35, 340 Wis. 2d 720, 813 N.W.2d 237.
- *City of Appleton Police Dep't*, 340 Wis. 2d 720, ¶ 24.

NOTE: *Bluebook* table T1.3 also gives some examples of Wisconsin cases in public domain citation format.

NOTE: As noted above, the year cited in the public domain citation for Wisconsin Court of Appeals decisions is the year in which the decision is ordered to be published; for Wisconsin Supreme Court decisions, it is the year in which the opinion is issued. Thus, for court of appeals decisions issued at the end of one year and ordered to be published in the following year, the year-of-decision information is lost in the citation.

## 2. Parallel citation form

### a. Wisconsin

When citing to a Wisconsin Supreme Court or Court of Appeals decision, cite to (1) the public domain citation (for cases issued or ordered to be published on or after January 1, 2000), (2) the official reporter (*Wisconsin Reports*), and (3) the regional reporter (*North Western Reporter*). [SCR 80.02\(1\)](#); *Bluebook* Rs. 10.3.1, 10.5, tbl.T1.3.

NOTE: Citations containing the public domain citation do not contain a court and date parenthetical because the public domain citation contains that information.

- *Clarke v. Wis. Elections Comm'n*, 2023 WI 79, 410 Wis. 2d 1, 998 N.W.2d 370.
- *Cottonwood Fin., Ltd. v. Estes*, 2012 WI App 12, 339 Wis. 2d 472, 810 N.W.2d 852.

### b. Other states

When citing a case decided in another state, cite only the relevant regional reporter; do not provide a parallel citation to the official state reporter. *Bluebook* rule 10.3.1(b) says that if an official public domain citation is available for an out-of-state decision, that citation must be provided; a parallel citation to the regional reporter must also be provided, if available.

NOTE: *The Bluebook* includes some information about which states have adopted a public domain citation format. See *Bluebook* tbl.T1.3 (listing Arkansas, Colorado, Illinois, Louisiana, Maine, Mississippi, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Vermont, Wisconsin, and Wyoming); *supra* § II.B.1 (discussing public domain citation).

- *Snyder v. Heidelberg*, 2011 IL 111052, 953 N.E.2d 415.
- *State v. Moore*, 2010 ND 229, ¶ 7, 791 N.W.2d 376.

## 3. Case names

## a. Procedural phrases

*The Bluebook* says to omit all procedural phrases except *ex rel.* when adversary parties are named. *Bluebook* R. 10.2.1(b).

- *In the Interest of R.H., III: T.H. v. La Crosse Cnty.* would be *T.H. v. La Crosse Cnty.*
- *State ex rel. Ampco Metal v. O'Neill*, 273 Wis. 530, 78 N.W.2d 921 (1956).

Include a procedural phrase such as “*ex rel.*” or “*In re*” before the nonadversary name, then a descriptive name, if any. *Bluebook* R. 10.2.1(a). *In re* is an abbreviation for “petition of,” “in the matter of,” and similar phrases; *ex rel.* is an abbreviation for “on behalf of,” “on the relation of,” and similar phrases. Procedural phrases are always italicized. *Bluebook* R. 10.2.1(b).

- *Custodian of Recs. v. State (In re John Doe Proc.)*, 2004 WI 65, 272 Wis. 2d 208, 680 N.W.2d 792.
- *In re Lisse*, 565 B.R. 903 (Bankr. W.D. Wis. 2017).

NOTE: For cases having both an adversary and a nonadversary name, *The Bluebook* requires that the adversary name be cited first. The nonadversary name should follow in parentheses, preceded by any procedural phrase and descriptive or introductory language. *Bluebook* R. 10.2.1(a).

- *Sheboygan Cnty. Dep't of Health & Hum. Servs. v. Tanya M.B. (In re Termination of Parental Rts. to Elijah W.L.)*, 2010 WI 55, 325 Wis. 2d 524, 785 N.W.2d 369.
- *State v. Brown (In re Commitment of Brown)*, 215 Wis. 2d 716, 573 N.W.2d 884 (Ct. App. 1997).

## b. Abbreviations

*The Bluebook* says that, in textual sentences, only widely known acronyms and the following eight abbreviations can be used: &, Ass'n, Bros., Co., Corp., Inc., Ltd., and No. Do not use these abbreviations in textual sentences if the word begins the party's name. *Bluebook* Rs. 10.2.1(c), 6.1(b).

## c. “The”

Generally omit the word “The” if it begins a party's name. *Bluebook* R. 10.2.1(d).

- *Manitowoc Co. v. Lanning*, 2018 WI 6, 379 Wis. 2d 189, 906 N.W.2d 130.

## d. Descriptive terms

Omit words that describe a party already named, such as “administrator,” “executor,” “trustee,” etc. If the word begins the party name, however, do not omit the word. *Bluebook* R. 10.2.1(e).

## e. Geographical terms

Omit “of America” after “United States.” Omit “State of” (or like phrases) except when citing decisions of the court of that state, in which case only “State” (or “Commonwealth” or “People”) should be retained. *Bluebook* Rs. 10.2.1(f), 10.2.2.

CAUTION: Do not follow running headers in reporters or on Westlaw, which sometimes invert the elements in the geographical name.

- *Cnty. of La Crosse v. WERC* [not *La Crosse Cnty. v. WERC*]

- *Macaluso v. Dane Cnty.* [not *Macaluso v. Cnty. of Dane*]
- *State v. Beloit Concrete Stone Co.*, 103 Wis. 2d 506, 309 N.W.2d 28 (Ct. App. 1981).
- *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

NOTE: Per *Bluebook* rule 10.2.1(f), “[o]mit all prepositional phrases of location not following ‘City,’ or like expressions, unless the omission would leave only one word in the name of a party or the location is part of the full name of a business or similar entity.” Include designations of national or larger geographical areas except in union names. Keep all geographical designations not introduced by a preposition, but omit those that follow a comma.

COMMENT: “Similar entity” seems to include nonprofit organizations (such as the State Bar of Wisconsin or United Way of Dane County), but not governmental entities, such as courts or school districts.

f. Given names or initials

Generally, omit individuals’ first names, unless they are part of a business’s name. *Bluebook* R. 10.2.1(g).

- *Anthony Gagliano & Co. v. Openfirst, LLC*, 2014 WI 65, 355 Wis. 2d 258, 850 N.W.2d 845.

g. Business firm designations

*The Bluebook* says to “[o]mit ‘Inc.,’ ‘Ltd.,’ ‘L.L.C.,’ ‘N.A.,’ ‘F.S.B.,’ and similar terms if the name also contains a word such as ‘Ass’n,’ ‘Bros.,’ ‘Co.,’ ‘Corp.,’ ‘Ins.,’ or ‘R.R.,’ clearly indicating that the party is a business firm.” If in doubt, retain the term. *Bluebook* R. 10.2.1(h).

- *Winebow, Inc. v. Capitol-Husting Co.*, 2018 WI 60, 381 Wis. 2d 732, 914 N.W.2d 631.
- *Carl v. Spickler Enters., Ltd.*, 165 Wis. 2d 611, 478 N.W.2d 48 (Ct. App. 1991).

h. Case names in citations

Follow the rules in *Bluebook* rule 10.2.1, but abbreviate further according to *Bluebook* tables T6 and T10. *Bluebook* R. 10.2.2.

NOTE: *Bluebook* table T6 (as of the 21st edition) has incorporated the rules for abbreviating periodicals from the former table T13. While it is easier to look to one table for citations to case names, institutional names, and periodical titles, be sure to check the revised table: familiar abbreviations might have changed, and many more terms are included in *Bluebook* table T6.

4. Parentheticals

*See generally Bluebook* Rs. B1.3, B5.1, 1.5, 1.6, 10.6.1, 10.6.2, 10.6.3, 10.6.4.

a. In general

Information may be enclosed in parentheses and added to the basic citation. *The Bluebook* recommends a parenthetical “when the relevance of a cited authority might not otherwise be clear to the reader.” *Bluebook* R. 1.5(a). Begin the parenthetical with a space after the end of the citation, then add a parenthesis and generally use a lower-case present participle (word ending in “ing”). *See Bluebook* R. B1.3. Follow with the parenthetical information, another parenthesis, and a period. A parenthetical can also contain a quoted sentence or a short statement that is appropriate in context. *Bluebook* R. 1.5(a).

- *See Chevron Chem. Co. v. Deloitte & Touche*, 176 Wis. 2d 935, 946, 501 N.W.2d 15 (1993) (holding that default judgment was appropriate for discovery and trial abuses).
- The Wisconsin Court of Appeals cited the determining-factor test with approval in *Kovalic v. DEC International, Inc.*, 161 Wis. 2d 863, 874, 469 N.W.2d 224 (Ct. App. 1991) (ADEA), and *Puetz Motor Sales, Inc. v. LIRC*, 126 Wis. 2d 168, 177, 376 N.W.2d 372 (Ct. App. 1985) (WFEA).

b. Quotation

When using a parenthetical with a quotation of one or more sentences, begin with a capital letter and include terminal punctuation in the parenthetical. *Bluebook* R. 1.5(a)(ii).

- *Eirhart v. Libbey-Owens Ford Co.*, 996 F.2d 846, 849 (7th Cir. 1993) (“We review the district court’s interpretation of the letter agreement as we would any contract, under a de novo standard.”).
- *Baltzer v. City of Sun Prairie Police Dep’t*, 725 F. Supp. 1008, 1029 (W.D. Wis. 1989) (“Title VII and the equal protection clause prohibit employment discrimination on the basis of sex. They do not prohibit discrimination on the basis of personal favoritism, grudges, or other arguably unfair or improper motives.”).

c. Weight of authority

After the date of the decision, add information regarding the weight of the authority. *Bluebook* Rs. 1.5(b), 10.6.1. The following are examples of phrases that may be used to state the weight of the authority: “en banc,” “2–1 decision,” “per curiam,” “unpublished.”

- *Braxton v. Mays*, 59 Wis. 2d 23, 24, 10 N.W.2d 13 (Ct. App. 1995) (unpublished table decision).
- *Am. Fam. Mut. Ins. Co. v. Am. Girl, Inc.*, 2004 WI 2, 268 Wis. 2d 16, 673 N.W.2d 65 (3–2 decision).

d. Nonmajority opinion

When citing a part of a case other than the majority decision, indicate that fact in parentheses. *Bluebook* R. B10.1.5.

- *State v. Fermanich*, 2023 WI 48, ¶¶ 18–26, 407 Wis. 2d 693, 991 N.W.2d 340 (Dallet, J., concurring).

NOTE: One issue is how to cite decisions of the Wisconsin Supreme Court written by Justice Ann Walsh Bradley or Justice Rebecca Grassl Bradley. “First names are not used for judges, unless a court has two individuals with the same last name, in which case the first name should be included on first reference.” *Bluebook* R. 9(a).

- *Water Well Sols. Serv. Grp. Inc. v. Consol. Ins. Co.*, 2016 WI 54, ¶ 47, 369 Wis. 2d 607, 881 N.W.2d 285 (Ann Walsh Bradley, J., dissenting).

NOTE: When using *id.* to cite different opinions within the same case, indicate which one is being cited and add a new parenthetical when switching to another opinion, even if it is the majority opinion. *Bluebook* R. 10.9(b)(i). “After an intervening citation to another source, the next time a case is cited, it is presumed to be citing to the majority opinion unless a parenthetical indicates otherwise.” *Id.*

NOTE: Information about a case regarding related authority or prior or subsequent history is not provided parenthetically. *Bluebook* R. B10.1.6, tbl.T8; *see infra* § II.B.5 (discussing prior and subsequent history).

e. Order of parentheticals

Parenthetical phrases indicating the weight of authority should precede explanatory parentheticals. *Bluebook* Rs. 1.5(b), 10.6.4.



- *Sears v. Upton*, 561 U.S. 945 (2010) (per curiam) (holding that defendant not prejudiced by counsel's facially inadequate mitigation investigation).

NOTE: "Explanatory parenthetical information about a case should immediately precede information about subsequent case history." *Bluebook* R. B10.1.6.

## 5. Prior and subsequent history

See generally *Bluebook* Rs. B10.1.6, 10.7, 10.7.1, 10.7.2, 1.5(b), 1.6(b), tbl.T8.

Add a subsequent-history reference to a citation when the primary reference is to the decision by an intermediate court (such as a court of appeals), but the case has been further reviewed by a discretionary court (the Wisconsin Supreme Court or the U.S. Supreme Court). However, in general, omit denials of certiorari or of a petition for review "unless the decision is less than two years old or the denial is particularly relevant." *Bluebook* R. 10.7. In general, do not give the prior history or history on remand, unless it is important to explain the reason for the citation. *Bluebook* Rs. B10.1.6, 10.7, 10.7.1, 10.7.2, tbl.T8.

To form the citation, state the citation (from the appellate court) followed by a comma, the explanatory phrase describing the subsequent history in italics (typically followed by a comma), and the citation to the subsequent history. See *Bluebook* table T8 for explanatory phrases commonly used to indicate prior or subsequent history and weight of authority of judicial decisions. Note that the commas are not italicized.

- *State v. Williams-Holmes*, 2022 WI App 38, 404 Wis. 2d 88, 978 N.W.2d 523, *rev'd*, 2023 WI 49, 408 Wis. 2d 1, 991 N.W.2d 373.
- *Haroco, Inc. v. Am. Nat'l Bank & Tr. Co. of Chi.*, 747 F.2d 384 (7th Cir. 1958), *aff'd per curiam*, 473 U.S. 606 (1985).
- *Maurin v. Hall*, 2004 WI 100, 274 Wis. 2d 28, 682 N.W.2d 866, *overruled by Bartholomew v. Wis. Patients Comp. Fund*, 2006 WI 91, ¶ 18, 293 Wis. 2d 38, 717 N.W.2d 216.
- *Kucharek v. Hanaway*, 714 F. Supp. 1499 (E.D. Wis. 1989), *rev'd on other grounds*, 902 F.2d 513 (7th Cir. 1990).
- *Heikkinen v. United Servs. Auto. Ass'n*, 2006 WI App 207, ¶ 59, 296 Wis. 2d 438, 724 N.W.2d 243, *aff'd by an equally divided court*, 2007 WI 124, 305 Wis. 2d 68, 739 N.W.2d 489.
- *City of Cedarburg Light & Water Comm'n v. Allis-Chalmers Mfg. Co.*, 33 Wis. 2d 560, 568a–68b, 149 N.W.2d 661, *modifying* 33 Wis. 2d 560, 148 N.W.2d 13 (1967).

## 6. Pinpoint citations for cases

For Wisconsin appellate cases not requiring a public domain citation (i.e., issued or ordered to be published before January 1, 2000), give page-number pinpoints to the *Wisconsin Reports* or the *North Western Reporter*. When referring to more than one page, use an en dash or a hyphen to show consecutive page numbers and commas to separate nonconsecutive page numbers. See [SCR 80.02\(3\)](#); *Bluebook* Rs. 3.2, 10.3.1(a), tbl.T1.3. "Always retain the last two digits, but drop other repetitious digits." *Bluebook* R. 3.2(a).

- *Cnty. of Dane v. Norman*, 174 Wis. 2d 683, 685, 497 N.W.2d 714 (1993).
- *State v. Blalock*, 150 Wis. 2d 688, 707–08, 442 N.W.2d 514 (Ct. App. 1989).
- *Barrett v. Ill. Dep't of Corr.*, 803 F.3d 893, 896 n.1 (7th Cir. 2015).

All supreme court opinions and published court of appeals opinions issued with a public domain citation contain consecutively numbered paragraphs. A pinpoint reference to a supreme court opinion issued on or after January 1, 2000, or a court of appeals opinion ordered to be published on or after January 1, 2000, must be to the appropriate paragraph

number of the opinion, not page numbers from the *Wisconsin Reports* or the *North Western Reporters*. When referring to more than one paragraph in a public domain citation, use an en dash or a hyphen to show consecutive paragraph numbers and commas to separate nonconsecutive paragraph numbers. [SCR](#) 80.02; *Bluebook* Rs. 3.2, 10.3.3, 10.8.1.

- *Riverback Farms, LLC v. Saukville Feed Supplies, Inc.*, 2023 WI App 40, ¶ 15, 409 Wis. 2d 14, 995 N.W.2d 257.
- *Wis. Prop. Taxpayers, Inc. v. Town of Buchanan*, 2023 WI 58, ¶ 2, 408 Wis. 2d 287, 992 N.W.2d 100.
- *Wis. Realtors Ass'n v. Pub. Serv. Comm'n of Wis.*, 2015 WI 63, ¶¶ 7–9, 363 Wis. 2d 430, 867 N.W.2d 364.
- *Seifert v. Balink*, 2017 WI 2, ¶ 85 n.43, 372 Wis. 2d 525, 888 N.W.2d 816.

NOTE: For short form citations with pinpoint references to cases published after January 1, 2000, the Wisconsin Supreme Court has demonstrated a preference for using a shortened citation to the *Wisconsin Reports* with a pinpoint reference to the relevant paragraph number, as shown in the example below (as cited in *State v. Dowdy*, [2012 WI 12](#), ¶ 36, [338 Wis. 2d 565](#), [808 N.W.2d 691](#)). [SCR](#) 80.02(3)(c); *The Wisconsin Supreme Court Style and Procedures Manual* R. 11.11 (2020); see *infra* § II.B.7. (discussing short form citation).

- See *Kalal*, 271 Wis. 2d 633, ¶ 46.

NOTE: Pinpoint citations are sometimes referred to as pincites.

## 7. Short form for cases

See generally *Bluebook* R. 10.9.

### a. In general

Generally, the short citation form is used when the case has already been cited in full. A short form for citing cases usually includes one party name (or a shortened version of one party), the volume number and reporter name (usually the first reporter listed), the first page of the opinion if no pinpoint citation, and the word “at” and the specific page(s) referenced if there is a pinpoint citation. If the pincite is to a paragraph number, the word “at” is not used.

### b. Party name

*The Bluebook* states that “[u]se of only one party’s name (or a readily identifiable shorter version of one party’s name) in a short form citation is permissible if the reference is unambiguous.” *Bluebook* R. 10.9(a)(i). Such a reference might be ambiguous if more than one *Jones* case is cited, for example. If so, use the full case name.

### c. With no pinpoints

When there are no pinpoints for a citation to a case that has already been cited, give the short form citation in later references:

First citation:

- *Jenkins v. Sabourin*, 104 Wis. 2d 309, 311 N.W.2d 600 (1981).
- *Winnebago Cnty. v. S.H. (In re Mental Commitment of S.H.)*, 2020 WI App 46, 393 Wis. 2d 511, 947 N.W.2d 761.

Later citation:

- *Jenkins*, 104 Wis. 2d 309.

- *Id.*
- *S.H.*, 2020 WI App 46.
- *Id.*

d. With pinpoints

When there are pinpoints for a *Wisconsin Reports* citation (for pre-2000 cases) or for a public domain citation, use short forms and *id.*, as appropriate, omitting any reference to the *North Western Reporter*. See *supra* § II.B.6. (discussing pinpoint citations).

First citation:

- *Jenkins v. Sabourin*, 104 Wis. 2d 309, 311 N.W.2d 600 (1981).
- *Webb v. Oculara Holding, Inc.*, 2000 WI App 25, 232 Wis. 2d 495, 606 N.W.2d 495.
- *United States v. Moore*, No. 16-1991 (7th Cir. Mar. 15, 2017).

Later citation (if no pinpoint in first citation):

Generally:

- *Jenkins*, 104 Wis. 2d at 311.
- *Id.* at 312.
- *Webb*, 2000 WI App 25, ¶ 25.
- *Id.* ¶ 29.
- *Moore*, slip op. at 15.
- *Id.* at 1.

e. *Id.*

The term *id.* can be used if the case being cited is the same as the citation immediately before it. If there is more than one source cited in the immediately preceding citation, *id.* cannot be used. *Bluebook* Rs. B4, 4.1.

NOTE: Italicize the period in *id.*

NOTE: For purposes of using *id.*, citations included in parentheses or as prior or subsequent history are ignored. *Bluebook* R. 4.1.

## C. Generally Applicable Rules of Citation [§ 7]

See generally *Bluebook* Rs. B1.2, 1.2–4.

### 1. Signals

#### a. In general

Introductory signals indicate the type of support the authority provides. *Bluebook* Rs. B1.2, 1.2.

b. Order of signals

When more than one signal is used, follow the order of signals listed in *Bluebook* rule 1.2: signals that indicate support (*Bluebook* R. 1.2(a), such as [no signal], *see*, and *see also*); signals that indicate comparison, such as *compare* . . . , *with*; signals that indicate contradiction (*Bluebook* R. 1.2(c), such as *but see*); and signals that indicate background material (*Bluebook* R. 1.2(d), such as *see generally*). *Bluebook* Rs. B1.2, 1.3.

c. String citations (two or more authorities to support the same point)

A semicolon separates authorities after each signal. The most persuasive or helpful authority should precede other authorities in a string citation. String citations should be avoided in briefs unless necessary to show a contrast in authorities or to demonstrate which jurisdictions have adopted a particular rule.

NOTE: As of the 21st edition of *The Bluebook*, rule 1.4 “no longer dictates an order of authorities within a signal.” Per the revised rule, “[a]uthorities should be ordered in a logical manner.” *Bluebook* R. 1.4. For guidance on the past practice of ordering citations within each signal (e.g., from primary sources, such as constitutions, statutes, cases, and administrative materials, to secondary materials and internal cross-references), see *The Bluebook: A Uniform System of Citation* R. 1.4, at 61–63 (Columbia L. Rev. Ass’n et al. eds., 20th ed. 2015). For historical purposes, the examples below illustrate the prior practice for ordering string citations based on the 20th edition of *The Bluebook*.

- *Raymond v. United States*, 355 F.3d 107 (2d Cir. 2004); *Campbell v. Comm’r*, 274 F.3d 1312 (10th Cir. 2001); *Young v. Comm’r*, 240 F.3d 369 (4th Cir. 2001); *Benci-Woodward v. Comm’r*, 219 F.3d 941 (9th Cir. 2000); *see also* *Coady v. Comm’r*, 213 F.3d 1187 (9th Cir. 2000); *Baylin v. United States*, 43 F.3d 1451 (Fed. Cir. 1995).
- *Mowry v. Badger State Mut. Cas. Co.*, 129 Wis. 2d 496, 536, 385 N.W.2d 171 (1986); *Brockmeyer v. Dun & Bradstreet*, 113 Wis. 2d 561, 575, 335 N.W.2d 834 (1983); *Foss v. Heineman*, 144 Wis. 146, 149, 128 N.W. 881 (1910); *Kriegl v. Stammen*, No. 2010AP221, 2011 WL 240452, ¶ 9 (Wis. Ct. App. Jan. 27, 2011) (unpublished opinion); *Hale v. Stoughton Hosp. Ass’n*, 126 Wis. 2d 267, 277–78, 376 N.W.2d 89 (Ct. App. 1985), *abrogation on other grounds recognized by Fittshur v. Vill. of Menomonee Falls*, 31 F.3d 1401, 1405 (7th Cir. 1994); *Reiman Assocs., Inc. v. R/A Advert., Inc.*, 102 Wis. 2d 305, 320, 306 N.W.2d 292 (Ct. App. 1981).

2. Sections and paragraphs

*See generally* *Bluebook* R. 3.3.

a. In general

Use a paragraph symbol (¶) when the original source subdivides with paragraph symbols. Use a section symbol (§) when the original source subdivides with a section symbol. Do not use the word “at” with a paragraph or section symbol. Include a space between the symbol and the numeral following the symbol. Unless referring to the U.S. Code or federal regulations, when using a paragraph or section symbol, write out the words section and paragraph in text. *Bluebook* Rs. 3.3, 6.2(c), 12.10(c).

b. Original punctuation

Use the original punctuation in the source when separating sections and subsections. *Bluebook* R. 3.3(a).

- 5 William B. Rubenstein, *Newberg on Class Actions* § 15:10 (5th ed. 2015 & Supp. 2019).
- 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1431, at 275–76 (4th ed. 2010 & Supp. 2020).
- 8A Lee R. Russ & Thomas F. Segalla, *Couch on Insurance* 3d § 118:36 (2005 & Supp. 2019).

NOTE: If the source uses hyphens, use hyphens; if it uses parentheses, use parentheses.

c. Multiple sections

Use two section symbols without spaces between the symbols (§§) when citing multiple sections and subsections. Add a space before and after the two section symbols. Omit “[i]dential digits or letters preceding a punctuation mark . . . unless doing so would create confusion. Otherwise retain all digits.” *Bluebook* R. 3.3(b). Rule 3.3(b) provides helpful examples of several types of formats for multiple statutory sections and subsections. Use one section symbol to refer to multiple subsections in a single section, but when referring to multiple subsections within different sections, use two section symbols. *Id.*

- Wis. Stat. § 802.06(2)(a)1.–3. (referring to multiple subsections).
- Wis. Stat. §§ 802.06, .08 (referring to multiple sections).

d. Multiple paragraphs

Use two paragraph symbols without spaces between the symbols (§¶) when citing multiple paragraphs. Add a space before and after the two paragraph symbols. *Bluebook* R. 3.3(c). Digits should not be dropped when citing multiple paragraphs (for example, §¶ 115–125, not §¶ 115–25). *See id.*

- *Peterson v. Cornerstone Prop. Dev., LLC*, 2006 WI App 132, §¶ 41–52, 294 Wis. 2d 800, 720 N.W.2d 716.

3. Quotations

*See generally Bluebook* Rs. B5, 5.

The format of quotations generally depends on the quotation’s length. When quoting 50 or more words, create a block quotation by indenting both sides of the quotation by approximately one inch (*The Bluebook* does not specify the amount to indent). Justify the quotation on both right and left to create the appearance of a rectangle. Single space the block quotation. Use a line space before the block quotation and after the block quotation. Do not use quotation marks at the beginning and end of the quotation. If the quoted material originally quoted another source, use double quotation marks to identify that quoted material. Citation of the source should follow the quotation at the left-hand margin (that is, it should not be indented). As noted by Professor Mary Beth Beazley in her textbook, *A Practical Guide to Appellate Advocacy* 135–36 (4th ed. 2014), a good practice is to add a sentence explaining the block quotation before and after the quotation. *See Bluebook* Rs. B5.2, 5.1(a).

When quoting 49 or fewer words, use double quotation marks before and after the quotation and place the quotation into the text of the preexisting paragraph. *Bluebook* Rs. B5.1, 5.1(b)(i).

- The court recognized that this was an “issue of first impression.” *Paynter v. ProAssurance Wis. Ins. Co.*, 2019 WI 65, 387 Wis. 2d 278, 929 N.W.2d 113.

When the original source has quoted language from another source, use a quoting parenthetical to identify the other source. *Bluebook* Rs. B5.1, 2.1(e), 5.2(e), 10.6.3, 10.6.4.

- *Teff v. Unity Health Plans Ins. Corp.*, 2003 WI App 115, ¶ 14, 265 Wis. 2d 703, 666 N.W.2d 38 (quoting *Hudson Diesel, Inc. v. Kenall*, 194 Wis. 2d 531, 543, 535 N.W.2d 65 (Ct. App. 1995)).
- *Welty v. Heggy*, 145 Wis. 2d 828, 835, 429 N.W.2d 546 (Ct. App. 1988) (quoting *Wangen v. Ford Motor Co.*, 97 Wis. 2d 260, 302, 294 N.W.2d 437 (1980)).
- *Est. of Sustache v. Am. Fam. Mut. Ins. Co.*, 2008 WI 87, ¶ 22 n.7, 311 Wis. 2d 548, 751 N.W.2d 845 (“Once the circuit court resolves the question of indemnity in the insurer’s favor . . . coverage is no longer open to debate. An insurer need not defend a suit in which it has no economic interest.”) (quoting *Baumann v. Elliott*, 2005 WI App 186, ¶ 10, 286 Wis. 2d 667, 704 N.W.2d 361).

NOTE: Use single quotation marks to indicate material that was quoted in the original source. If the entire quotation is quoted from another source, do not use single quotation marks, but attribute the quotation to the original source. *Bluebook* R. 5.2(e), (f)(i).

In a quotation of 49 or fewer words, periods and commas go inside the quotation marks, but other punctuation, like question marks and semicolons, go outside the quotation marks unless they were part of the original source. *Bluebook* Rs. B5.1, 5.1(b)(iv).

- The court stated that it “must first look to the constitution.”

In any quotation, use brackets to show a change in capitalization of a letter or a change in letters or a word. *Bluebook* R. 5.2(a).

- In its decision, the court noted that “[t]he statute is to [be] interpreted narrowly.”

Use empty brackets to show omission of letters. *Bluebook* R. 5.2(b).

- The jury will “determine[] when the original was signed.”

Use [sic] to show a significant mistake in the original. *Bluebook* R. 5.2(c).

- The transcript stated, “we wanted [sic] to the store.”

Do not include internal quotation marks if the opening mark begins the quotation and the ending mark ends the quotation. Include multiple levels of internal quotation marks if they appear in the quotation. *Bluebook* R. 5.2(f).

- The stated purpose of additur or remittitur is “to avoid unnecessary second trials and to seek an earlier determination of the litigation at a figure which is within the range of fairness.” *Powers v. Allstate Ins. Co.*, 10 Wis. 2d 78, 88, 102 N.W.2d 393 (1960) (quoting *Gennrich v. Schrank*, 6 Wis. 2d 87, 94, 93 N.W.2d 876 (1959) (Fairchild, J., dissenting)).
- The exhaustion requirement recognizes that state courts play an equal role in enforcing constitutional rights, *United States ex rel. Hoover v. Franzen*, 669 F.2d 433, 444 (7th Cir. 1982), and “allows [those] courts to ‘become increasingly familiar with and hospitable toward federal constitutional issues.’” *United States ex rel. Johnson v. McGinnis*, 734 F.2d 1193, 1196 (7th Cir. 1984) (quoting *Rose v. Lundy*, 455 U.S. 509, 519 (1982)).

Add spaces before, between, and after an ellipsis. An ellipsis is a set of three periods indicating an omission of a word or words from a quotation. Do not use an ellipsis at the beginning of a quotation. *Bluebook* R. 5.3.

- The court stated that “[a] trial court . . . is best prepared to address evidentiary matters.”

Add a fourth period to an ellipsis to indicate omission of material at the end of the quotation when using quoted language as a full sentence.

- The appellate court noted that “the trial record leaves much to the imagination . . . .”

NOTE: Following *Bluebook* rule 5.2(d)(iii), do not indicate that emphasis in a quotation appears in the original. Do, however, indicate that any emphasis inserted by the author was added. Use the comment “(emphasis added)”; do not use “(emphasis supplied).” *Bluebook* R. 5.2(d).

#### 4. Abbreviations

*See generally Bluebook* R. 6.1.

## a. Spacing

When spacing abbreviations, do not use spaces between single, adjacent capital letters or between numerals or ordinals used with single adjacent capital letters. *Bluebook* R. 6.1(a).

- N.W.3d

NOTE: “The North Western Reporter series has declared Volume 999 as the last published volume in the second series. . . . [T]he work is continued with West’s North Western Reporter, 3rd series.” Carol Hassler, *A New Era: North Western Reporter 3d*, WSLI @ Your Service April 2024. As with N.W.2d, there are no spaces between the characters in N.W.3d.

- F.3d
- A.L.R.4th

Do use a space with a combination of single adjacent capital letters and abbreviations of two or more letters.

NOTE: A numeral or ordinal is considered a single, adjacent capital letter. *Bluebook* R. 6.1(a).

- Wis. 2d
- F. Supp. 2d
- Am. Jur. 2d

NOTE: As of the 21st edition of *The Bluebook*, Bluepages rule B6 provides that certain abbreviations can now be closed up in citations, if needed to conserve space in court filings. Specifically, the rule states:

Because many court systems impose word limits on briefs and other documents submitted to the court, abbreviations in reporter names may optionally be closed to conserve space, even if they would normally be separated under this rule. For example, “S. Ct.” would become “S.Ct.” and “F. Supp. 2d” would become “F.Supp.2d.”

## b. Periods

When placing periods in an abbreviation, follow every abbreviation, whether a single capital letter or a series of upper- and lower-case letters, with a period, “except those in which the last letter of the original word is set off from the rest of the abbreviation by an apostrophe.” This rule does *not* apply to the postal code identifier used in public domain citations. *Bluebook* R. 6.1(b); *cf. supra* § II.B.1. (discussing public domain citation).

- Wis. 2d
- Dep’t
- WI
- WI App

NOTE: Use abbreviations without periods when referring to widely known entities in a case name or in text.

- EPA
- FBI

## 5. Numerals and symbols

*See generally Bluebook R. 6.2.*

### a. In general

Generally spell out numbers zero to ninety-nine in text. For numbers 100 and above, use numerals. *Bluebook R. 6.2(a).*

### b. Number beginning a sentence

A number that begins a sentence must not be reflected in numerals but must be spelled out in text. *Bluebook R. 6.2(a)(i).*

### c. Series of numbers

When a series of numbers includes numbers both less than 100 and greater than or equal to 100, use numerals for the entire series. *Bluebook R. 6.2(a)(iii).*

### d. Percentages or dollar amounts

Use numerals when repeatedly referring to percentages or dollar figures. *Bluebook R. 6.2(a)(v).*

### e. Punctuation of numbers

“In numbers that appear in text and citations, use commas to separate groups of three digits when those numbers contain four or more uninterrupted digits.” *Bluebook R. 6.2(a)(vii).* However, this convention should not be used in citations to pages, statutes, volume numbers, internet database locators, docket numbers, the U.S. Code, or other sources whose classification systems don’t include commas. *Id.*

## 6. Italicization

Use italics for non-English words, unless a word or phrase is commonly used in English. *See generally Bluebook R. 7.* Refer to the list in *The Bluebook* for examples of words that do not need to be italicized, such as e.g., i.e., res judicata, mens rea, en banc, and amicus curiae. *Bluebook R. 7(b); see also Garner, supra § I.B.*

## 7. Capitalization

*See generally Bluebook Rs. B8, 8.*

### a. In general

*See generally Bluebook Rs. B8, 8(c)(ii).*

Capitalize references to a court when

- (1) Referring to the U.S. Supreme Court, whether by full name or the generic “Supreme Court” or “the Court”;
- (2) Referring to a court by its full proper name; and
- (3) Referring to the court reading the brief and deciding the case at hand.

Previously in this case, this Court denied a motion to extend the time for answering the requests for admission or, alternatively, to withdraw the admissions.



But do *not* capitalize a reference to a court when referring to a precedent decision (as in the first example below), unless it is a U.S. Supreme Court decision (as in the second example below).

- Applying the *Anderson* test, the *Brown* court affirmed LIRC’s decision that the insurance carrier’s suspension of temporary disability benefits was not in bad faith.
- In 1958, the Supreme Court in *Cicenia* refused to extend a New Jersey procedural rule concerning guilty pleas to pleas of *non vult*.

b. Court documents

Capitalize the specific titles of court documents when the title is specific, but do not capitalize generic references to court documents. “Only capitalize party designations . . . when referring to parties in the matter that is the subject of your document.” *Bluebook* R. B8.

- The argument is in the Plaintiff’s Brief in Support of the Plaintiff’s Motion for Summary Judgment.
- The plaintiff’s brief was filed electronically.

c. Constitutions

Capitalize all references to the U.S. Constitution and when referring to another constitution (such as the Wisconsin Constitution) by its full name. “[N]ouns that identify specific parts of the U.S. Constitution” should also be capitalized when they are being referred to in textual sentences; do not capitalize parts of state constitutions. *Bluebook* R. 8(c)(ii).

- The equal protection clause of the Wisconsin Constitution requires that the state treat all people who are similarly situated similarly, but it does not oblige the state to treat all people identically.
- While early cases state or imply that the 21st Amendment trumps other constitutional concerns, particularly the Commerce Clause and the Equal Protection Clause, cases since the early 1970s demonstrate an evolution to the Court’s jurisprudence regarding the 21st Amendment and now clearly reject any “supremacy” of the 21st Amendment over other constitutional provisions.

NOTE: When referring generically to the Wisconsin Constitution as “the constitution,” do not capitalize the reference. However, in a generic reference to the U.S. Constitution, continue to capitalize “the Constitution.” Capitalize the word “federal” when the word it modifies is capitalized. *Id.*

- In Wisconsin, certain rights afforded by the state constitution are more expansive than similar rights provided by the Federal Constitution.
- The act has been read to authorize only fee awards by courts created under the authority of Article III of the U.S. Constitution.

d. State

*See generally Bluebook* R. 8(c)(ii).

Capitalize the word “state” when

- (1) Referring to the state as a party to litigation or as a governmental actor;
  - The State brought this action.
- (2) Referring to the full title of a state; and

- The State of Wisconsin brought this action.

(3) Modifying a word that is capitalized.

e. Other nouns

*See generally Bluebook R. 8(c).*

Capitalize certain nouns when

(1) Referring to “specific persons, officials, groups, government offices, or government bodies”;

- The Department of Homeland Security
- Congress

(2) Referring to a specific act by name;

- The Wisconsin Environmental Policy Act

(3) Referring to specific codes; and

- The 1973 Code

(4) Referring to a numbered or named federal circuit.

- The Seventh Circuit

## D. Electronic Databases and Other Online Sources [§ 8]

### 1. Cases available in a commercial electronic database

When an unreported case is available in an electronic database, it may be cited in the following format: case name, docket number, database identifier, court name, and full date. Include a unique database identification number, if the database uses one. If citing to a pinpoint page number assigned by the database (not a reporter page or a paragraph number of the case), precede the page number with an asterisk before the court and date parenthetical. This is called star paging. *Bluebook* Rs. 3.2(a), 10.5(b), 10.8.1(a), 18.1, 18.3.

- *United Concrete & Constr., Inc. v. Red-D-Mix Concrete, Inc.*, No. 2011AP1566, 2012 Wisc. App. LEXIS 481 (June 13, 2012) (unpublished).
- *Ripp Distrib. Co. v. Ruby Distrib. LLC*, No. 2023AP778, 2024 WL 1209255, ¶ 5 (Wis. Ct. App. Mar. 21, 2024) (publication recommended).
- *Eichhoff v. New Glarus Brewing Co.*, No. 2022AP1958, 2024 WL 718774, ¶ 5 (Wis. Ct. App. Feb. 22, 2024) (unpublished).
- *KDC Foods, Inc. v. Gray, Plant, Mooty, Mooty & Bennett, PA*, No. 12-cv-636-bbc, 2013 WL 5777289, at \*18 (W.D. Wis. Oct. 25, 2013).

NOTE: Generally “[c]ite to the docket number of a case exactly as it appears on court documents. However, an initial digit preceding a colon and a judge’s initials at the end of the docket number may be omitted.” *Bluebook* R. 10.8.1.

NOTE: Parenthetical information concerning the publication status of the opinion is information concerning the weight of authority and may be added consistent with rule 10.6.1 of *The Bluebook*.

## 2. Internet sources

### a. In general

See generally *Bluebook* Rs. 18.2, 18.2.1, 18.2.2.

NOTE: *The Bluebook* “requires the use and citation of traditional printed sources when available, unless there is a digital copy of the source available that is authenticated, official, or an exact copy of the printed source.” *Bluebook* R. 18.2. *The Bluebook* further states that “[w]hen an authenticated, official, or exact copy of a source is available online, citation can be made as if to the original print source (without any URL information appended).” *Bluebook* R. 18.2.1(a). Furthermore, “[i]f the cited information is available in a traditional source but such source is so obscure as to be practically unavailable, or if a parallel citation to an internet source will substantially improve access to the source cited, citation should be made both to the traditional source and to the internet source by appending the URL directly to the end of the citation.” *Bluebook* R. 18.2.1(b)(i).

- Ethan Lauer, Wis. Legis. Council Info. Memo., *Private, Special, and Local Laws: Constitutional Restraints*, IM-2019-02 (2019), [https://docs.legis.wisconsin.gov/misc/lc/information\\_memos/2019/im\\_2019\\_02](https://docs.legis.wisconsin.gov/misc/lc/information_memos/2019/im_2019_02).
- Off. of Pub. & Intergovernmental Affs., U.S. Dep’t of Veterans Affs., *Federal Benefits for Veterans, Dependents and Survivors* (2023), [https://www.va.gov/opa/publications/benefits\\_book.asp](https://www.va.gov/opa/publications/benefits_book.asp).
- Wis. Dep’t of Nat. Res., *Endangered Resources: Bureau of Natural Heritage Conservation*, <https://dnr.wisconsin.gov/topic/EndangeredResources> (last visited Mar. 28, 2024).
- Wis. Dep’t of Health Servs., *Medicaid Eligibility Handbook*, <http://www.emhandbooks.wisconsin.gov/meh-ebd/meh.htm> (current through Release No. 24-01, Apr. 3, 2024).
- Wis. Dep’t of Revenue, *2024 Wisconsin Property Assessment Manual*, <https://www.revenue.wi.gov/Documents/wpam24.pdf>.
- Wis. Dep’t of Health Servs., *SeniorCare Annual Income Limits*, <https://www.dhs.wisconsin.gov/seniorcare/fpl.htm> (last revised Jan. 23, 2024).

When citing to internet sources, follow the guidelines in *Bluebook* rule 18.2. Abbreviate institutional authors according to *Bluebook* tables T6 and T10.

### b. Author

When available, begin the citation with the author’s name. If not available, omit an author name unless there is a clear institutional author. *Bluebook* R. 18.2.2(a).

### c. Titles

Include a title of the webpage. *The Bluebook* includes different rules for stating the title of a main page as opposed to pages other than the main page. Also, if there is no clear title available, use a “descriptive title.” *Bluebook* R. 18.2.2(b)(iv).

- Joe Forward, *Judge Created Serious Risk of Actual Bias by Facebook “Friending” Litigant*, WisBar News (June 25, 2020), <https://www.wisbar.org/NewsPublications/Pages/General-Article.aspx?ArticleID=27825>.
- U.S. Ct. of Appeals for the Seventh Cir., *Forms, Fees and Guides*, <https://www.ca7.uscourts.gov/forms/forms7.htm> (last visited Mar. 28, 2024).

## d. Dates

Include the date as it appears on the webpage after the main page title and any pinpoint citation. If there is no date specific to the material cited, include after the URL a parenthetical indicating when it was last updated or last modified. If the site does not otherwise include a date, include a parenthetical stating when the site was last visited. Do not use “last updated” or “last modified” dates or copyright designations that refer to a site as a whole and are not updated regularly. In such instances, use a parenthetical immediately after the URL indicating the date on which the site was last visited. *Bluebook* Rs. 1.5(b), 18.2.2(c).

- Ctrs. for Medicare & Medicaid Servs., U.S. Dep’t of Health & Hum. Servs., *Internet-Only Manuals (IOMs)*, <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs.html> (last modified Sept. 6, 2023, 4:57 PM).

NOTE: Include a timestamp for an internet citation whenever applicable. *Bluebook* R. 18.2.2(c).

NOTE: “If the online resource has been updated or corrected on a date different from the online publication date, use that date in lieu of the original online publication date.” *Id.*

## e. The URL

Use the full URL if it is straightforward or use the root URL followed by a parenthetical explaining how to access the information. *Bluebook* R. 18.2.2(d). Sometimes, URLs do not function as hyperlinks because of the presence of certain symbols. If this is a concern, use the root URL followed by a parenthetical instead of the full URL.

- Wis. Ct. Sys., *Circuit Court Forms*, <https://www.wicourts.gov/forms1/circuit/index.htm> (updated Mar. 28, 2023) (follow “Guardianship” hyperlink; then follow “all guardianship forms” hyperlink).

NOTE: The following is an example of a URL used in a textual sentence:

- The web address for the UI Division’s homepage is <https://dwd.wisconsin.gov/ui/>.

NOTE: It is a common problem that links to websites become broken (also known as link rot) because the webpage has been moved or no longer exists. For that reason, citations to “archived” links are encouraged “when a reliable archival tool is available.” *Bluebook* R. 18.2.1(d). *The Bluebook* provides examples from <https://archive.org/web/> and <https://perma.cc>. Add the archive URL to end of the citation in brackets. If the citation uses an archival tool that indicates when a source was archived, it is not necessary to include a “last visited” parenthetical after the URL. *Bluebook* Rs. 1.5(b), 18.2.1(d), 18.2.2(c).

- Sen. Elizabeth Warren, *Coming to a Post Office Near You: Loans You Can Trust?*, Huffington Post (Feb. 1, 2014, 2:50 PM), [https://www.huffpost.com/entry/coming-to-a-post-office-n\\_b\\_4709485](https://www.huffpost.com/entry/coming-to-a-post-office-n_b_4709485) [<https://perma.cc/4RH7-999Q>].

## f. Document format

Always cite the portable document format (PDF) version instead of an HTML document if a PDF version is available. *Bluebook* Rs. 18.2.1(b)(ii), 18.2.2(f).

### III. PRIMARY WISCONSIN AUTHORITIES [§ 9]

#### A. Wisconsin Supreme Court Opinions [§ 10]

*See generally Bluebook* Rs. B10, 10; *supra* § II.B.1. (discussing public domain citations).

1. Published in official reporters. [SCR](#) 80.02; *Bluebook* Rs. B10.1.2, 10.3, 10.4(b), 10.5(a), tbl.T1.3.

- *DEKK Prop. Dev., LLC v. Wis. Dep't of Transp.*, 2023 WI 30, 406 Wis. 2d 768, 988 N.W.2d 653.
- *Sharp ex rel. Gordon v. Case Corp.*, 227 Wis. 2d 1, 595 N.W.2d 380 (1999).

NOTE: The first 22 volumes of the *Wisconsin Reports* are republications of the original volumes, which are out of print or for which the printing plates were destroyed. The reprints have page numbers in brackets scattered throughout the text; these page numbers refer to the pages of the original volumes. When citing to a case from one of these volumes, indicate both the republication page and the original page; the original page should be placed in parentheses and preceded with an asterisk (\*).

- *Harbeck v. Southwell*, 18 Wis. 439 (\*418), 448 (\*427) (1864).
- *Loop v. Chamberlain*, 20 Wis. 142 (\*135) (1865).

## 2. Not yet published in official reporters

See generally *Bluebook* Rs. 10.3.1, 10.3.3, 10.5(b), 10.8.1.

- Available in electronic media. *Bluebook* Rs. 10.3.1(b), 10.8.1(a), 18.3; see also *supra* § II.D.1.(a) (discussing cases available in a commercial electronic database).

NOTE: *Bluebook* rule 10.3.1(b) explains as follows:

If the decision is not found in a regional reporter or available as a public domain citation, cite the other sources indicated in table T1. . . . If a case is not available in an official or preferred unofficial reporter or as a public domain citation, cite another unofficial reporter, a widely used computer database (rule 18.3), a service (rule 19), a slip opinion (rule 10.8.1(b)), an internet source (rule 18.2.2), or a newspaper (rule 16.6), in that order of preference . . . .

When citing a Wisconsin Supreme Court decision before the *Wisconsin Reports* and the *North Western Reporter* citations are available, the public domain citation should be sufficient.

- *Catholic Charities Bureau, Inc. v. LIRC*, 2024 WI 13.

- Available on the internet

See generally *Bluebook* Rs. 18.2, 18.2.1, 18.2.2; see *supra* § II.D.2. (discussing internet sources).

- *State ex rel. Davis v. Cir. Ct. for Dane Cnty.*, 2024 WI 14,  
<https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=781117>.

## 3. Pinpoint citations

See generally [SCR](#) 80.02; *Bluebook* Rs. 10.3.1(a), 10.3.3; *supra* § II.B.6. (discussing pinpoint citations).

- *Md. Arms Ltd. P'ship v. Connell*, 2010 WI 64, ¶ 4, 326 Wis. 2d 300, 786 N.W.2d 15.
- *Mentek v. State*, 71 Wis. 2d 799, 809, 238 N.W.2d 614 (1976).

## 4. Short form citations

See generally [SCR](#) 80.02; *Bluebook* Rs. B10.2, 10.9.

- *Md. Arms*, 2010 WI 64, ¶ 49.
- *Mentek*, 71 Wis. 2d at 808.

## 5. Certification

See *Bluebook* Rs. B10.1.6, 10.7, tbl.T8. Cite to the supreme court's grant of a certification request as follows:

- *United Food & Com. Workers Union, Local 1473 v. Hormel Foods Corp.*, No. 2014AP1880 (Wis. May 12, 2015), *granting certification requested by* No. 2014AP1880, 2014 WL 7334335 (Wis. Ct. App. Dec. 23, 2014).
- *Finder v. Am. Heartland Ins. Co.*, No. 2006AP918 (Wis. Oct. 10, 2007), *granting certification requested by* No. 2006AP918, 2007 WL 2390677 (Wis. Ct. App. Aug. 23, 2007) (petition for certification).

## B. Wisconsin Court of Appeals Opinions [§ 11]

See generally *Bluebook* Rs. B10, 10.

NOTE: On April 4, 2005, the Wisconsin Supreme Court and Court of Appeals converted their case management system, which included a change to the docket number format for appellate court cases. The format uses a four-digit prefix for the year, followed by the letters "AP" and the case number. A search for a case by its docket number on the Wisconsin Court System's website (<https://www.wicourts.gov>) using this format will retrieve *all* appellate court cases, even though the official captions for opinions issued before April 4, 2005, may still reflect docket numbers using the old format. Certain electronic databases (such as Westlaw or LEXIS), however, may not recognize the format for cases decided before April 4, 2005, and may require users to continue to use the old format (a two-digit prefix for the year, followed by a dash and the case number) to locate older cases by their docket numbers. [SCR](#) 80.02; *supra* § II.B.1. (discussing public domain citations).

### 1. Published in official reporters

See generally [SCR](#) 80.02; *Bluebook* Rs. B10.1.2, 10.3, 10.4(b), 10.5(a), tbl.T1.3.

- *Enz v. Duke Energy Renewable Servs., Inc.*, 2023 WI App 24, 407 Wis. 2d 728, 991 N.W.2d 423.
- *Rite-Hite Corp. v. Bd. of Rev.*, 216 Wis. 2d 189, 575 N.W.2d 721 (Ct. App. 1997).

### 2. Not yet published in official reporters; unpublished opinions

See generally [Wis. Stat.](#) § 809.23(3); *Bluebook* Rs. 10.3.1, 10.5(b), 10.8.1.

NOTE: Not all court of appeals opinions are recommended for publication in the official reporters. [Wis. Stat.](#) § 809.23(3) provides as follows:

Citation of unpublished opinions.

(a) An unpublished opinion may not be cited in any court of this state as precedent or authority, except to support a claim of claim preclusion, issue preclusion, or the law of the case, and except as provided in par. (b).

(b) In addition to the purposes specified in par. (a), an unpublished opinion issued on or after July 1, 2009, that is authored by a member of a three-judge panel or by a single judge under s. 752.31 (2) may be cited for its persuasive value. A per curiam opinion, memorandum opinion, summary disposition order, or other order is not an authored opinion for purposes of this subsection. Because an unpublished opinion cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss an unpublished opinion and a party has no duty to research or cite it.

(c) A party citing an unpublished opinion shall file and serve a copy of the opinion with the brief or other paper in which the opinion is cited.

Under [Wis. Stat.](#) § 809.23(3)(b), certain unpublished opinions issued on or after July 1, 2009, may be cited for their persuasive value but not as precedent. The rule applies to authored cases decided by a three-judge panel or by a single judge acting under [Wis. Stat.](#) § 752.31(2). Per curiam opinions, memorandum opinions, summary disposition orders, and other orders are *not* authored opinions and cannot be cited for their persuasive value.

Opinions recommended for publication and opinions about which no publication decision has been made are considered unpublished and therefore are subject to [Wis. Stat.](#) § 809.23(3). Opinions ordered published may be cited as precedent as of the date that publication is ordered.

a. Available in commercial electronic database

*See generally Bluebook* Rs. 10.5(b), 10.8.1(a), 18.1, 18.3; *supra* § II.D.1. (discussing cases available in electronic databases).

- *Canna Cap. Dev., LLC v. Burk's Paradise LLC*, No. 2022AP470, 2023 WL 3084090 (Wis. Ct. App. Apr. 26, 2023) (unpublished).

b. Available in slip opinion

When a case is not reported but available in a separately printed slip opinion, provide the docket number, the court, and the full date of the decision cited. *Bluebook* R. 10.8.1(b).

- *Growchowski v. Hofacker*, No. 2009AP2769, unpublished slip op. (Wis. Ct. App. Aug. 24, 2010).

c. Available on internet. *Bluebook* Rs. 18.2, 18.2.1, 18.2.2; *supra* § II.D.2. (discussing internet sources).

- *Laughing Cow, LP v. Wis. Dep't of Revenue*, 2024 WI App 15, <https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=770262>.
- *Leonard v. Lynn*, No. 2009AP2026, unpublished slip op. (Wis. Ct. App. Sept. 2, 2010), <https://www.wisbar.org/formembers/legalresearch/Caselaw/capp/2010p/2009ap002026.pdf>.

3. Pinpoint citations

*See generally SCR* 80.02; *Bluebook* Rs. 10.3.3, 10.8.1; *see supra* § II.B.6. (discussing pinpoint citations).

- *Stumpner v. Cutting*, 2010 WI App 65, ¶ 11, 324 Wis. 2d 820, 783 N.W.2d 874.
- *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

NOTE: Citations to unpublished opinions citable under [Wis. Stat.](#) § 809.23(3) should also provide pinpoint references. *See* Citation of Unpublished Opinions Committee, *Interim Report to Wisconsin Supreme Court* (May 2009), <https://www.wicourts.gov/publications/reports/docs/unpublishedopinions.pdf>.

- *Olson v. Olson*, No. 2009AP3129, 2010 WL 3389875, ¶ 9 (Wis. Ct. App. Aug. 19, 2010) (unpublished).
- *Young v. Landstar Invs. LLC*, No. 2014AP2507, unpublished slip op., ¶ 18 (Wis. Ct. App. Dec. 3, 2015), <https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=156464>.

4. Short form citations

*See generally SCR* 80.02; *Bluebook* Rs. B10.2, 10.9, 18.9(b); *The Wisconsin Supreme Court Style and Procedures Manual* R. 11.11 (2020); *supra* §§ II.B.7. (discussing short form case citations), II.B.6. (discussing pinpoint citations).

- *Laughing Cow, LP*, 2024 WI App 15, ¶ 1.

- *Enz*, 407 Wis. 2d 728, ¶ 32.
- *Rite-Hite*, 216 Wis. 2d at 192.
- *Olson*, 2010 WL 3389875, ¶ 8.

## 5. Certification

See generally *Bluebook* Rs. B10.1.6, 10.7, tbl.T8.

Cite a certification petition by the Wisconsin Court of Appeals to the Wisconsin Supreme Court as follows:

- *Finder v. Am. Heartland Ins. Co.*, No. 2006AP918, 2007 WL 2390677 (Wis. Ct. App. Aug. 23, 2007) (petition for certification), *certification granted*, No. 2006AP918 (Wis. Oct. 10, 2007).
- *State v. Valadez*, Nos. 2014AP678, 2014AP679, 2014AP680, 2015 WL 248040 (Wis. Ct. App. Jan. 21, 2015) (petition for certification), *certification granted*, Nos. 2014AP678, 2014AP679, 2014AP680 (Wis. Mar. 16, 2015).

## C. Wisconsin Circuit Court Opinions [§ 12]

NOTE: The rule regarding the citation of unpublished opinions, [Wis. Stat.](#) § 809.23(3), does *not* govern circuit court opinions. Copies of circuit court opinions are available from the issuing court. See [Wis. Stat.](#) § 809.23; *Brandt v. LIRC*, 160 Wis. 2d 353, 361–65, [466 N.W.2d 673](#) (Ct. App. 1991), *aff'd*, 166 Wis. 2d 623, [480 N.W.2d 494](#) (1992).

- *Hartung v. ABS Glob., Inc.*, No. 01-CV-3271 (Wis. Cir. Ct. Dane Cnty. Mar. 17, 2004).

## D. Wisconsin Court and Litigation Documents [§ 13]

Citation to the appellate court record is specifically required by [Wis. Stat.](#) § 809.19(1)(d). Always abbreviate “Record” to “R.” When citing the record, be sure to follow the pagination supplied by the clerk of circuit court. When citing items in an appendix, cite to both the record and the appendix. [Wis. Stat.](#) § 809.19(1)(d); *Bluebook* R. B17.

- R. 10 at 13. [This cites to page 13 of the document designated as document number 10 in the appellate court record.]

PRACTICE TIP: A statement of facts supported by adequate citation to specific pages in the record is a significant timesaver for appellate judges. A statement of facts with inadequate record citations causes more work for the court, is a nuisance and an irritant, and casts doubt on the factual assertions. Assertions of fact not found in the record are prohibited and will not be considered by the court. *Nelson v. Schreiner*, [161 Wis. 2d 798](#), 804, [469 N.W.2d 214](#) (Ct. App. 1991). Failure to provide record citations to factual statements is a rule violation that may warrant sanctions against the offending party’s attorney. *State v. Bergwin*, [2010 WI App 137](#), ¶ 18, [329 Wis. 2d 737](#), [793 N.W.2d 72](#). The court may refuse to consider an argument depending on facts when the brief fails to cite to the record allegedly containing those facts. See *Stuart v. Weisflog’s Showroom Gallery, Inc.*, [2006 WI App 109](#), ¶ 36, [293 Wis. 2d 668](#), [721 N.W.2d 127](#), *aff’d on other grounds*, [2008 WI 22](#), [308 Wis. 2d 103](#), [746 N.W.2d 762](#). Substantial violations of the briefing rules, including failure to cite to authority and to the record, may warrant striking the brief and dismissing the appeal under [Wis. Stat.](#) § 809.83(2). *Mogged v. Mogged*, [2000 WI App 39](#), ¶ 24, [233 Wis. 2d 90](#), [607 N.W.2d 662](#) (imposing sanctions against cross-appellant).

NOTE: *The Bluebook* allows but does not require a writer to enclose the citation in parentheses. *Bluebook* R. B17.1.1.

A full citation to a court or litigation document includes the document’s name, the pinpoint citation, a date when needed (see *Bluebook* R. B17.1.3), and the electronic case filing (ECF) number found on PACER when applicable (see *Bluebook* R. B17.1.4). Unless it would be unclear, abbreviate references to the document title according to *Bluebook* table BT1 and omit all articles and prepositions from any abbreviated title. Words of more than six letters may also be abbreviated, even if the words do not appear in the list. Use a page, paragraph, or line as a pinpoint citation. Use as precise a reference as possible. Separate line and page references with a colon. *Bluebook* R. B17.1.2. Use a date to emphasize a significant date or when documents are



otherwise indistinguishable, such as when the same person has provided multiple affidavits. *Bluebook* R. B17.1.3. A short form citation (including *id.*) can be given after the full citation, if clear. *Bluebook* R. B17.2. Do not abbreviate document titles in textual sentences. *Bluebook* Rs. B8, B17, tbl.BT1 (list of abbreviations for court documents); *see also supra* § II.C.7. (discussing capitalization of court documents).

- Johnson Aff. Ex. C, at 3.
- Resp't's Br. 4.
- Pl.'s Interrog. No. 4.
- Pet'r's Resp. Br. 10.
- TRO Hr'g Tr. 2:26–3:4.
- Def.'s Br. Opp'n to Pls.' Mot. Summ. J.
- Trial Ct.'s Order Den. Resp't's Mot. to Dismiss 1.
- Compl. ¶¶ 5, 10.
- Pls.' Mot. in Lim. ¶ 2.
- Def.'s Req. for Admis. 2.
- Prelim. Inj. Hr'g Tr. 15:2–13.
- Pl.'s Am. Answer to Cross-cl. ¶ 10, ECF No. 12.
- Manning Dep. 45:17–46:5, Mar. 30, 2015.
- Oswald Dep. 3:5–4:10, Mar. 31, 2014.

#### E. Wisconsin Administrative Agency Adjudications [§ 14]

*See generally Bluebook* R. 14.3.

NOTE: The citation formats below for selected state agency decisions conform generally to *Bluebook* rules for decisions of administrative agencies. The agencies have been consulted about the recommended formats, although in their internal memoranda and decisions the agencies may use citations that differ somewhat from these examples.

Attorneys should note that some agencies' decision-numbering systems have changed over the years. Attorneys should use the number as it appears on the decision.

Some agencies prepare decision digests, which are generally available through the agency and at law libraries. Full-text copies of decisions are available from the issuing agency; the Wisconsin State Law Library also maintains a limited collection of administrative decisions. Some administrative decisions are reported in services; increasingly, others are available in electronic databases and on the internet.

##### 1. Labor and Industry Review Commission (LIRC)

*See generally Bluebook* Rs. 18.2, 18.2.1, 18.2.2, 14.3.

Information on obtaining copies of LIRC decisions:  
Tel.: (608) 266-9850

Fax: (608) 267-4409

LIRC internet homepage:  
<https://lirc.wisconsin.gov/>

NOTE: LIRC is an independent state unit associated for administrative purposes with the Department of Workforce Development (DWD). LIRC is a quasi-judicial body that reviews DWD decisions relating to worker's compensation, unemployment insurance, and equal rights. In citations to decisions issued by LIRC, if the suggested parenthetical reference to "LIRC" might not be recognized by all readers (e.g., readers outside Wisconsin), consider substituting "Wis. Lab. & Indus. Rev. Comm'n." *Bluebook* Rs. 6.1(b), 14.3.3, 15.1(d), 18.2.2, tbl.T6.

NOTE: Under 2015 Wisconsin Act 55, effective January 1, 2016, adjudication functions formerly with the DWD's Worker's Compensation (WC) Division were transferred to the Department of Administration (DOA), Division of Hearings and Appeals (DHA). *See infra*. LIRC continues to issue WC decisions. *See* Lab. & Indus. Rev. Comm'n, *LIRC Worker's Compensation Decisions*, [https://lirc.wisconsin.gov/wc\\_decisions.htm](https://lirc.wisconsin.gov/wc_decisions.htm) (last visited Mar. 28, 2024).

a. Equal Rights Division (ERD)

Information on obtaining copies of LIRC equal rights decisions from LIRC:  
 Tel.: (608) 266-9850  
 Fax: (608) 267-4409

Information on obtaining copies of LIRC equal rights decisions from the State Law Library:  
 Tel.: (800) 322-9755  
 Tel.: (608) 267-9696  
 TTY: (800) 967-6644  
 Fax: (608) 267-2319

Information on obtaining copies of equal rights decisions from the ERD:  
 Tel.: (608) 266-6860 (Madison)  
 Tel.: (414) 227-4384 (Milwaukee)

LIRC equal rights legal resources on the internet (including selected full-text decisions):  
[https://lirc.wisconsin.gov/er\\_research.htm](https://lirc.wisconsin.gov/er_research.htm)

ERD internet homepage:  
<https://dwd.wisconsin.gov/er/>

- *Weaver v. Milwaukee Repertory Theater*, ERD Case No. 95-52240 (LIRC Jan. 16, 1997).
- *Marrero v. Bullseye Inc.*, ERD Case No. CR201402243 (LIRC Aug. 31, 2015), <https://lirc.wisconsin.gov/erdecns/1473.htm>.
- *Acosta v. Waste Mgmt. of Madison*, ERD Case No. 199803258 (LIRC Nov. 3, 2000), <https://lirc.wisconsin.gov/erdecns/303.htm>.

NOTE: Because the ERD organizes and retrieves cases by date of decision, not case number, the date is the crucial identifying information in obtaining copies of decisions from the ERD (rather than from LIRC). The ERD's *Equal Rights Decision Digest* also does not include any reference to case numbers. Therefore, although *Bluebook* practice is to include case numbers whenever available, it is common practice to cite ERD cases without the case number.

- *Kayler v. Stoughton Trailers* (LIRC Oct. 27, 1997).

Note that LIRC does not decide all types of contested equal rights cases. Contested cases under Wisconsin's Family or Medical Leave Act, for example, are heard by circuit courts.

b. Unemployment Insurance Division (formerly Division of Unemployment Compensation)

Information on obtaining copies of LIRC unemployment insurance decisions from LIRC:

Tel.: (608) 266-9850

Fax: (608) 267-4409

LIRC unemployment insurance legal resources on the internet (including selected full-text decisions):

[https://lirc.wisconsin.gov/ui\\_research.htm](https://lirc.wisconsin.gov/ui_research.htm)

Unemployment Insurance Division internet homepage:

[https://lirc.wisconsin.gov/unemployment\\_insurance.htm](https://lirc.wisconsin.gov/unemployment_insurance.htm)

- *Clyde v. Univ. of Wis.*, UC Dec. Hearing No. 15602683MW (LIRC Aug. 6, 2015).
- *Woolridge v. Dairyland Buses Inc.*, UC Dec. Hearing No. 92-3456 (LIRC Dec. 4, 1992), <https://lirc.wisconsin.gov/ucdecsns/4108.htm>.
- *Erby v. Emmpek Foods, Inc.*, UI Dec. Hearing No. 00603853MW (LIRC Jan. 2, 2001), <https://lirc.wisconsin.gov/ucdecsns/1033.htm>.

NOTE: Recent volumes of LIRC's *Wisconsin Unemployment Insurance Decision Digest* contain only court decisions, not administrative decisions, on grounds that most noteworthy issues reach the courts and so parties generally should not have to cite administrative decisions. However, selected full-text LIRC decisions in unemployment insurance cases are available on LIRC's website.

2. Wisconsin Employment Relations Commission (WERC)

*See generally Bluebook R. 14.3.*

Information on obtaining copies of WERC decisions from the WERC:

Tel.: (608) 243-2424

Fax: (608) 243-2433

[werc@werc.state.wi.us](mailto:werc@werc.state.wi.us)

<http://werc.wi.gov/decisionaward-updates/>

Information on obtaining copies of WERC decisions from the State Law Library:

Tel.: (800) 322-9755

Tel.: (608) 266-9696

Fax: (608) 267-2319

WERC legal resources on the internet:

<http://werc.wi.gov/other-resources/>

WERC internet homepage:

<http://werc.wi.gov>

WERC digest (available on CD-ROM at certain libraries):

<https://search.library.wisc.edu/catalog/999858060902121>

(University of Wisconsin Law Library catalog listing)

Wisconsin Employment Peace Act (WEPA) digest:

<http://werc.wi.gov/combined-wepa-digests/>

a. Labor relations cases

NOTE: The WERC is an independent state agency that processes various types of labor relations cases. In citations to decisions issued by the WERC, if the suggested parenthetical reference to “WERC” might not be recognized by all readers (e.g., readers outside Wisconsin), consider substituting “Wis. Emp. Relations Comm’n” for “WERC.” *Bluebook* R. 14.3.3, tbls.T6, T10.

- *Milwaukee Cnty.*, Dec. No. 28951-A (WERC Dec. 17, 1996), <http://werc.wi.gov/decisions/28951-A.pdf>.
- *Racine Educ. Ass’n*, Dec. No. 35149-A (WERC Mar. 2, 2015), <http://werc.wi.gov/decisions/35149-A.pdf>.
- *Vill. of Footville*, Dec. No. 39799-A (WERC Mar. 27, 2023), <http://werc.wi.gov/decisions/39799-A.pdf>.

NOTE: The WERC identifies decisions using the employer’s name.

b. Grievance arbitration awards

NOTE: The WERC also handles grievance arbitrations. Decisions are available via links on this page: <http://werc.wi.gov/grievance-awards-linked-lists/>.

NOTE: The citation consists of the name of the company, the award number, the last name of the arbitrator in the case and the date of the decision in parentheses, followed by a period.

Private sector:

*Promotions Unlimited Corp.*, WERC A-5638 (Houlihan, Mar. 6, 1998), [http://werc.wi.gov/grievance\\_awards/5644.pdf](http://werc.wi.gov/grievance_awards/5644.pdf).

*Milk Specialties Glob.*, WERC 7915 (Houlihan, Sept. 11, 2015), [http://werc.wi.gov/grievance\\_awards/7915.pdf](http://werc.wi.gov/grievance_awards/7915.pdf).

Municipal sector:

*City of Racine*, WERC SA-65 (Houlihan, Mar. 22, 2002), [http://werc.wi.gov/grievance\\_awards/6356.pdf](http://werc.wi.gov/grievance_awards/6356.pdf).

*City of Madison*, WERC 7909 (Houlihan, Mar. 24, 2015), [http://werc.wi.gov/grievance\\_awards/7909.pdf](http://werc.wi.gov/grievance_awards/7909.pdf).

State sector:

*State (Sch. for the Deaf)*, WERC SA-65 (Nielsen, Aug. 21, 1996), [http://werc.wi.gov/grievance\\_awards/5321.pdf](http://werc.wi.gov/grievance_awards/5321.pdf).

c. Personnel appeals decisions

NOTE: The WERC is responsible for personnel appeals decisions, which formerly were the province of the now-abolished Personnel Commission. These decisions are available on the WERC website.

- *Kruger v. UW Sys.*, Dec. No. 31104 (WERC Oct. 6, 2004), [http://werc.wi.gov/personnel\\_appeals/werc\\_2003\\_on/pa31104.pdf](http://werc.wi.gov/personnel_appeals/werc_2003_on/pa31104.pdf).
- *Phillips v. Wis. Dep’t of Just.*, Dec. No. 35735 (WERC Sept. 22, 2015), [http://werc.wi.gov/personnel\\_appeals/werc\\_2003\\_on/pa35735.pdf](http://werc.wi.gov/personnel_appeals/werc_2003_on/pa35735.pdf).

d. Interest awards

NOTE: The WERC publishes nonconsent interest awards resolving municipal-sector contract-negotiation impasses.

- *Dane Cnty. (Attorneys)*, Dec. No. 19731-A (Kerkman, Feb. 17, 1983), [http://werc.wi.gov/interest\\_awards/int\\_pre-99\\_vol\\_1\\_of\\_2/int19731.pdf](http://werc.wi.gov/interest_awards/int_pre-99_vol_1_of_2/int19731.pdf).

- *City of Milwaukee (Supervisory L. Enf't)*, Dec. No. 35076-B (McLaughlin, Apr. 29, 2015), [http://werc.wi.gov/interest\\_awards/mia35076.pdf](http://werc.wi.gov/interest_awards/mia35076.pdf).

### 3. Division of Hearings and Appeals (DHA)

*See generally Bluebook R. 14.3.*

Information on obtaining copies of DHA decisions from the DHA:

Tel.: (608) 266-7709

Fax: (608) 264-9885

DHAMail@wisconsin.gov

DHA internet homepage:

<https://doa.wi.gov/Pages/AboutDOA/HearingsAndAppeals.aspx>

NOTE: The DHA, an independent unit associated with the Wisconsin Department of Administration, conducts contested case hearings for the Department of Administration, and presides over certain cases, contested proceedings, appeals, and hearings for certain other state agencies. *See Wis. Dep't of Admin., Departments*, <https://doa.wi.gov/Pages/LicensesHearings/DHAGENGOVDepts.aspx> (last visited Mar. 28, 2024) (list of agencies for which the DHA conducts hearings). In citations to DHA cases, it may be helpful to indicate the agency in which the case originated. Often, a prefix appended to the decision number helps identify the relevant program (e.g., “WIC-123” would be the number for a decision involving the Department of Health Services’ Special Supplemental Nutritional Program for Women, Infants and Children (WIC)).

#### a. Office of Worker’s Compensation Hearings

NOTE: Under 2015 Wisconsin Act 55, effective January 1, 2016, the former DWD WC Division duties have been split, with claims administration functions remaining with the DWD WC Division. Adjudication functions formerly with the WC Division have been transferred to the DOA DHA.

Information on obtaining copies of LIRC worker’s compensation decisions from LIRC:

Tel.: (608) 266-9850

Fax: (608) 267-4409

LIRC@wisconsin.gov

LIRC worker’s compensation legal resources on the internet (including selected full-text decisions):

[https://lirc.wisconsin.gov/wc\\_research.htm](https://lirc.wisconsin.gov/wc_research.htm)

DWD worker’s compensation internet home page:

<https://dwd.wisconsin.gov/wc/>

DHA Office of Worker’s Compensation Hearings:

Tel.: (608) 266-7709 (Madison)/(414) 227-4381 (Milwaukee)/(920) 832-5450 (Appleton)

Fax: (608) 266-0018 (Madison)/(414) 227-4012 (Milwaukee)/(920) 832-5355 (Appleton)

Internet home page:

<https://doa.wi.gov/Pages/LicensesHearings/DHAWorkersCompensation.aspx>

- *Slaughter v. Wis. Serv. & Mgmt.*, WC Claim No. 95007930 (LIRC Oct. 30, 1996).
- *Mallum v. Wis. Laborers Health Fund*, WC Claim Nos. 2011-017470, 2010-004584, 2012-016327 (LIRC Sept. 16, 2015), <https://lirc.wisconsin.gov/wcdecns/1629.htm>.
- *Clark v. Quality Heating & Sheet Metal*, WC Claim No. 91055201, 1996 WL 748140 (LIRC Dec. 30, 1996).

- *Prochaska v. Jormac Co.*, WC Claim No. 1991023161 (LIRC Nov. 29, 2000), <https://lirc.wisconsin.gov/wcdecns/497.htm>.
  - *Kucan v. WFH Lab–Elmbrook Mem’l*, WC Claim No. 2014-013792 (LIRC Mar. 16, 2018), <https://lirc.wisconsin.gov/wcdecns/1784.htm>.
- b. Department of Children and Families (DCF), and former Department of Health Services (DHS)/Department of Health and Family Services (DHFS)
- *In re*, DHA Case No. CCO/160967 (Wis. Div. Hearings & Appeals Feb. 27, 2015) (DCF) (DHFS).
  - DHA Case No. FCP/158706 (Wis. Div. Hearings & Appeals Feb. 13, 2015) (DHS), <https://doa-dha.wisconsin.gov/Shared%20Documents/2015/158706.pdf>.
  - DHA Case No. MED-20/39901 (Wis. Div. Hearings & Appeals Aug. 9, 1999) (DHFS).

NOTE: Some public benefits cases—such as the Medical Assistance (Medicaid) and W-2 cases in the above examples—cannot be identified by party name, for reasons relating to the benefit recipients’ right to confidentiality.

NOTE: 2007 Wisconsin Act 20 split the DHFS into two agencies, the Department of Children and Families (DCF) and the Department of Health Services (DHS). The DHA handles appeals for these successor agencies. See the DHA’s homepage for details. Wis. Dep’t of Admin., *Work and Family Services Unit*, <https://doa.wi.gov/Pages/LicensesHearings/DHAWorkandFamilyServicesUnit.aspx> (last visited Mar. 28, 2024).

- c. Department of Natural Resources (DNR)
- *In re Wis. Pollution Discharge Elimination Sys. Permit No. WI-0061514-03-0 (WPDES Permit) Issued to United Liquid Waste Recycling, Inc., Clyman, Dodge Cnty., WI*, No. DNR-14-061 (Wis. Div. Hearings & Appeals July 21, 2016) (DNR), <https://doa-dha.wisconsin.gov/Corrections%20Redacted%20Decisions/2016/DNR14061.pdf>.
  - *In re Application of Trenton Island Marina to Amend DNR Permit # IP-WC-1988-48-17105, to Extend an Existing Pier Finger Thirty Feet to Accommodate a Larger Boat on the Bed of the Mississippi River - Pool No. 4, Town of Trenton, Pierce Cnty.*, No. IP-WC-1988-48-17105 (Wis. Div. Hearings & Appeals Sept. 5, 2012) (DNR).
- d. Department of Corrections (DOC)
- *In re Prob. Revocation of Jones*, DHA Case No. 020498-169684-A (Wis. Div. Hearings & Appeals Mar. 11, 1998) (DOC).
- e. Department of Justice (DOJ)
- *In re Crime Victim Comp. Application of (applicant)*, DHA Case No. CV-00-0001 (Wis. Div. Hearings & Appeals Oct. 16, 2000) (DOJ).
- f. Department of Transportation (DOT)
- *In re Claims Against Dealer Bond of 414 Motor Cars, LLC*, (Wis. Div. Hearings & Appeals Aug. 18, 2017) (DOT), <https://doa-dha.wisconsin.gov/DOT%20Decisions/2017/DOT170005.pdf>.
  - *In re Claims Against Dealer Bond of Donald Driver Motors, LLC*, DHA Case No. DOT-15-0007 (Wis. Div. Hearings & Appeals June 29, 2015) (DOT), <https://doa-dha.wisconsin.gov/DOT%20Decisions/2015/DOT150007.pdf>.
- g. Department of Public Instruction (DPI)

- *J.J. v. Appleton Area Sch. Dist.*, DHA Case No. LEA-97-024 (Wis. Div. Hearings & Appeals Mar. 11, 1998) (DPI).

h. Department of Employee Trust Funds (ETF)

ETF internet homepage: <https://etf.wi.gov/>

- *In re Appeal of Smith*, 1999-099-ETF (2003).

4. Public Service Commission of Wisconsin (PSC)

NOTE: The PSC is an independent state agency that oversees Wisconsin's public utility providers. The PSC's electronic regulatory filing system (ERF) provides for the electronic submission of documents filed with the PSC and grants online access to documents submitted in formal cases before the PSC.

PSC internet homepage:

<https://psc.wi.gov/Pages/Home.aspx>

ERF internet homepage:

<https://apps.psc.wi.gov/ERF/ERF/ERFhome.aspx>

- *Application of Wis. Pub. Serv. Corp.*, No. 6690-CE-187 (Wis. PSC Oct. 7, 2004), <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=22652>.

## F. Wisconsin Attorney General Opinions [§ 15]

*See generally Bluebook R. 14.*

1. Bound opinion

- 81 Wis. Op. Att'y Gen. 156 (1994) (OAG 9-94).

2. Opinion available on internet

*See generally Bluebook Rs. 18.2, 18.2.1, 18.2.2.*

NOTE: The Wisconsin DOJ has not issued bound volumes of attorney general opinions since 1994; instead, the DOJ posts the opinions on the internet. All formal opinions (1911–present) are available at the attorney general's website, <https://www.doj.state.wi.us/dls/ag-opinion-archive>.

- Wis. Op. Att'y Gen. OAG-12-14 (2014), <https://www.doj.state.wi.us/sites/default/files/formal/OAG-12-30.pdf>.
- 66 Wis. Op. Att'y Gen. 310 (1977), <https://www.doj.state.wi.us/dls/ag-opinion-archive> (click on "1971 – 1980"; then click on "1977").

3. Opinion available in electronic database

*See generally Bluebook R. 14.4.*

- Wis. Op. Att'y Gen. OAG 2-03 (2003), 2003 WL 22391472.
- Wis. Op. Att'y Gen. OAG 01-96 (1996), 1996 WL 101641.
- 66 Wis. Op. Att'y Gen. 310 (1977), 1977 WL 36172.

## G. Wisconsin Constitution [§ 16]

See generally *Bluebook* Rs. 11, 18.3.

### 1. Current constitutional provision

- Wis. Const. art. V, § 1.
- Wis. Const. art. X, §§ 1, 6.
- Wis. Const. art. I, § 1 (West, Westlaw through Aug. 10, 2023, amendments).
- Wis. Const. art. XIII, § 13 (West, Westlaw through Aug. 10, 2023, amendments) (election or appointment of statutory officers).
- Wis. Const. art. I, § 9m (amended 2020).
- Wis. Const. art. VII, § 4, *amended by* 2013 Wis. S.J. Res. 57, 2015 Wis. S.J. Res. 2, vote Apr. 2015.

NOTE: The only short form allowed to be used with constitutions is *id.*

### 2. Former constitutional provision

- Wis. Const. art. III, § 6 (repealed 1986).

## H. Wisconsin Statutes [§ 17]

See generally *Bluebook* Rs. B12.1.2, 12, tbl.T1.3.

NOTE: The Wisconsin Supreme Court has officially adopted *Bluebook* style for citations to statutes. [Wis. Stat.](#) § 809.19(1)(e). *But see Notice to Members of the Bar*, 74 Wis. 2d xxxix (1976) (stating that Wisconsin Supreme Court adopted *Bluebook* style, except for citation to Wisconsin statutes). The examples below therefore generally conform to *Bluebook* style. One exception concerns *The Bluebook's* recommended citation of session laws as “20xx Wis. Sess. Laws xxx.” The examples below instead follow prevailing practice in Wisconsin in citing session laws as “20xx Wis. Act xxx.”

### 1. Current official statutory compilation

See generally *Bluebook* Rs. B12.1.2, 12.2.1(a), 12.3, 18.2.1(a), tbl.T1.3.

- Wis. Stat. § 767.41 (2021–22).
- Wis. Stat. ch. 938 (2021–22).

### 2. Current unofficial statutory compilation

See generally *Bluebook* Rs. B12.1.2, 3.4, 12.2.1(a), 12.3, tbl.T1.3.

- Wis. Stat. Ann. § 135.01 (West 2020).
- Wis. Stat. Ann. § 802.06 Judicial Council committee’s note to 1976 amendment (West 2020).

### 3. Current unofficial statutory compilation in electronic database

See generally *Bluebook* Rs. 12.2.1(a), 12.3, 12.5(a), 18.3.



- Wis. Stat. Ann. § 135.01 (West, Westlaw through 2023 Wis. Act 101, except Acts 92, 93, 96, 97, and 98, published Mar. 5, 2024).

4. Current official statutory compilation on internet

*See generally Bluebook* Rs. 12.5(b), 18.2, 18.2.1, 18.2.2.

NOTE: The Wisconsin Legislative Reference Bureau publishes and certifies the Wisconsin Statutes electronically under [Wis. Stat.](#) § 35.18.

- Wis. Stat. § 704.11 (2021–22).

5. Prior statutory compilation

*See generally Bluebook* R. 12.2.1(b).

- Wis. Stat. § 137.06 (2001–02) (repealed 2003).
- Wis. Stat. ch. 55 (1985–86).

6. Official session law

*See generally* [Wis. Stat.](#) § 35.15; *Bluebook* Rs. 12.2.1(a), 12.4, tbl.T1.3.

NOTE: When a law is enacted, it is assigned a sequential act number and printed in slip form (called a slip law). After the legislative session ends, acts passed during that session are printed chronologically in the session laws. In Wisconsin, the session laws are called the Laws of Wisconsin. The Wisconsin Statutes, by contrast, are the official code of statutes currently in force in Wisconsin.

- 2023 Wis. Act 10.
- 1997 Wis. Act 15.
- 1969 Wis. Laws, ch. 284, § 26.
- 1865 Wis. Priv. & Loc. Laws, ch. 205.

7. Unofficial session law in printed source

*See generally Bluebook* Rs. 12.2.1(a), 12.4, tbl.T1.3.

- 1999 Wis. Act 70, 2000 Wis. Legis. Serv. Act 70 (West).

8. Unofficial session law in electronic database

*See generally Bluebook* Rs. 12.2.1(a), 12.4, 12.5(a), 18.1, 18.3.

- 2015 Wis. Act 89, 2015–2016 Wis. Legis. Serv. Act 89 (Westlaw).

9. Session law on internet

*See generally Bluebook* R. 18.2.2.

- 2021 Wis. Act 267, <https://docs.legis.wisconsin.gov/2021/related/acts/267.pdf>.

10. Amended version when statute in current official compilation has been amended

*See generally Bluebook* Rs. 12.2.2(b), 12.7.3.

- Wis. Stat. § 887.015(1) (2021–22), *as amended by* 2023 Wis. Act 245.
- Wis. Stat. § 804.03 (2019–20), *as amended by* Wis. Sup. Ct. Order 21-05, 2022 WI 24 (eff. July 1, 2022).

NOTE: A note regarding a statute's amendment should be included even if the subsection cited was not affected by the amendment. *Bluebook* R. 12.7.3.

11. Unamended version when statute in current official compilation has been amended

*See generally Bluebook* Rs. 12.2.2(b), 12.7.3.

- Wis. Stat. § 100.52(1)(a) (2021–22), *amended by* 2023 Wis. Act 243.
- Wis. Stat. § 809.19(1)(g) (2013–14), *amended by* Wis. Sup. Ct. Order 14-01, 2015 WI 21.

12. When statute in current official compilation has been repealed

*See generally Bluebook* Rs. 12.2.2(b), 12.7.2.

- Wis. Stat. § 242.02(4) (2021–22), *repealed by* 2023 Wis. Act 246.
- Wis. Stat. § 753.26 (2019–20), *repealed by* Wis. Sup. Ct. Order 21-03, 2022 WI 23 (eff. July 1, 2022).

13. When statute has been created since current official compilation was published

*See generally Bluebook* R. 12.2.2(b).

- Wis. Stat. § 885.335, *as created by* 2023 Wis. Act 247 (eff. Mar. 29, 2024).
- Wis. Stat. § 753.24(2m), *as created by* Wis. Sup. Ct. Order 21-02, 2022 WI 23 (eff. July 1, 2022).

14. Textual reference

*See generally Bluebook* R. 12.10(b), tbl.T1.3.

- The court held that section xxx.xx of the Wisconsin Statutes did not apply.
- The Wisconsin Legislature enacted section xxx.xx in 2024.

15. Short form citation

*See generally Bluebook* R. 12.10(b), tbl.T1.3.

- Wis. Stat. § xxx.xx
- § xxx.xx
- *Id.*

- § xxx.xx (*Westlaw*).

## I. Other Wisconsin Legislative Citations [§ 18]

### 1. In General

Note. *Bluebook* table T9 suggests abbreviations (or nonabbreviations) of terms related to legislative documents.

### 2. Drafting files

- Drafting file for 2005 Wis. Act 431, Wis. Legis. Reference Bureau, Madison, Wis., [https://docs.legis.wisconsin.gov/2005/related/drafting\\_files/wisconsin\\_acts/2005\\_act\\_431\\_ab\\_591](https://docs.legis.wisconsin.gov/2005/related/drafting_files/wisconsin_acts/2005_act_431_ab_591).
- Memorandum from Lennie Weber, Racine Cnty. Dist. Att’y, to Sen. Barbara Ulichny (Feb. 24, 1992) (available in drafting file for 1991 S.J. Res. 41, Wis. Legis. Reference Bureau, Madison, Wis.).
- Email from Don Valdez, Recording Indus. Ass’n of Am., to Michael Dsida, Wis. Legis. Reference Bureau (Sept. 27, 1999, 10:14 CST) (available in drafting file for 1999 Wis. Act 51, Wis. Legis. Reference Bureau, Madison, Wis.).

### 3. Bills — amendments

- Wis. S. Amendment 1, to S. Substitute Amendment 1, to 2017 Wis. S.B. 525, [https://docs.legis.wisconsin.gov/2017/related/amendments/sb525/ssa1\\_sb525.pdf](https://docs.legis.wisconsin.gov/2017/related/amendments/sb525/ssa1_sb525.pdf). The bill failed to pass. 2017 Wis. S.J. Res. 1, *State of Wis. S.J.*, Mar. 28, 2018, at 881, <https://docs.legis.wisconsin.gov/2017/related/journals/senate/20180328.pdf>.

### 4. Bill — histories on legislature’s website

- Bill history of 2017 Wis. Assemb. B. 58, <https://docs.legis.wisconsin.gov/2017/proposals/reg/asm/bill/ab58>.

### 5. Legislative journals

- Governor’s Veto Message, *State of Wis. Assemb. J.*, Sept. 21, 2017, at 421, <https://docs.legis.wisconsin.gov/2017/related/journals/assembly/20170921.pdf>.

### 6. Reports by legislative agencies

- Emily Hicks, Wis. Legis. Council Info. Memo., *Overview of State and Federal Special Education Laws*, IM-2021-12 (2021), [https://docs.legis.wisconsin.gov/misc/lc/information\\_memos/2021/im\\_2021\\_12](https://docs.legis.wisconsin.gov/misc/lc/information_memos/2021/im_2021_12).
- See Wis. Legis. Reference Bureau, Analysis of 2009 Wis. Assemb. B. 80, at 2, <https://docs.legis.wisconsin.gov/2009/related/proposals/ab80.pdf>.
- Analysis by Wis. Legis. Reference Bureau of 1985 S.B. 419 (available in drafting file for 1985 Wis. Act 245, Wis. Legis. Reference Bureau, Madison, Wis.).
- Wis. Legis. Fiscal Bureau, *Expunging Record of Conviction (Circuit Courts)*, Paper No. 245 to J. Comm. on Fin., at 2 (Apr. 21, 2009), [https://docs.legis.wisconsin.gov/misc/lfb/budget/2009\\_11\\_biennial\\_budget/103\\_budget\\_papers/245\\_circuit\\_courts\\_expunging\\_record\\_of\\_conviction.pdf](https://docs.legis.wisconsin.gov/misc/lfb/budget/2009_11_biennial_budget/103_budget_papers/245_circuit_courts_expunging_record_of_conviction.pdf).
- Wis. Legis. Fiscal Bureau, 2019–21 Wis. State Budget, *Comparative Summary of Budget Recommendations* (Aug. 2019), [https://docs.legis.wisconsin.gov/misc/lfb/budget/2019\\_21\\_biennial\\_budget/202\\_comparative\\_summary\\_of\\_provisions\\_2019\\_act\\_9\\_august\\_2019\\_entire\\_document.pdf](https://docs.legis.wisconsin.gov/misc/lfb/budget/2019_21_biennial_budget/202_comparative_summary_of_provisions_2019_act_9_august_2019_entire_document.pdf).

- Wis. Legis. Council, Act Memo, *2013 Wis. Act 224: OWI Penalties and Testing* (Apr. 14, 2014), <https://docs.legis.wisconsin.gov/2013/related/lcactmemo/act224>.
- Wis. Dep't of Pub. Instruction, *Fiscal Estimate — 2017 Session for 2017 Wis. Assemb. B. 1036*, LRB No. 17-2660/1 (Apr. 4, 2018), [https://docs.legis.wisconsin.gov/2017/related/fe/ab1036/ab1036\\_DPI\\_c.pdf](https://docs.legis.wisconsin.gov/2017/related/fe/ab1036/ab1036_DPI_c.pdf).
- Wis. Spec. Comm. on Review of Records Access of Circuit Court Docs., *Wis. Legis. Council Proposed Rep. to the Legis.*, No. PRL 2011-09 (May 19, 2011), [https://legis.wisconsin.gov/lc/media/1194/prl\\_2011\\_09.pdf](https://legis.wisconsin.gov/lc/media/1194/prl_2011_09.pdf).

## 7. Records of legislative committee proceedings

- 2017 Wis. Assemb. B. 551, Rec. of Comm. Proc. for Comm. on Child. & Fams. (Nov. 15, 2017), [https://docs.legis.wisconsin.gov/2017/related/records/assembly/children\\_and\\_families/1414384](https://docs.legis.wisconsin.gov/2017/related/records/assembly/children_and_families/1414384).

## 8. Hearing materials

- Wis. Legis. Council, Hearing Materials for 2017 A.B. 551, Testimony of State Rep. Jessie Rodriguez, Assemb. Comm. on Child. & Fams., *AB 551: Updating State Law Regarding the Process for Relocating with a Child* (Nov. 15, 2017), [https://docs.legis.wisconsin.gov/misc/lc/hearing\\_testimony\\_and\\_materials/2017/ab551/ab0551\\_2017\\_11\\_15.pdf](https://docs.legis.wisconsin.gov/misc/lc/hearing_testimony_and_materials/2017/ab551/ab0551_2017_11_15.pdf).

NOTE: The Wisconsin Legislature notes the following on its website: “The Legislative Council collects material during the public hearing of a bill or joint resolution. The materials are not the official committee record, but represent items distributed to the committee. Some documents may not be scanned due to volume or copyright.” Wis. State Legis., LC Bill Hearing Materials, [https://docs.legis.wisconsin.gov/misc/lc/hearing\\_testimony\\_and\\_materials](https://docs.legis.wisconsin.gov/misc/lc/hearing_testimony_and_materials).

## J. Wisconsin Administrative Code [§ 19]

*See generally Bluebook* R. 14, tbl.T1.3; *see supra* § II.D.2.a.

NOTE: When citing to the Wisconsin Administrative Code, include the chapter abbreviation (e.g., NR, Trans) as it appears on the chapter's first page. Include the month and year of the most recent amendment to the chapter (found at the bottom of the page of the PDF version).

NOTE: *The Bluebook* recommends including only the year; however, because the Wisconsin Administrative Code is updated monthly, it is useful to include the month as well.

NOTE: As of January 1, 2015, the Wisconsin Administrative Code and the Wisconsin Administrative Register are electronic-only publications. *See Wis. Stat.* §§ 35.93, 889.01. Since then, the electronic version is the official compilation. The Wisconsin Administrative Code is updated on the first day of each month to reflect changes published in the most recent end-of-month register.

### 1. Current official compilation

Cite to the Wisconsin Administrative Code by stating “Wis. Admin. Code,” then the abbreviated name of the chapter, followed by a section symbol or chapter and number, ending with a parenthetical including the abbreviated name of the month and the year. *See generally Bluebook* R. 18.2.1, tbl.T1.3; *see supra* § 36.8.

- Wis. Admin. Code DHS § 107.02 (Jan. 2024).
- Wis. Admin. Code DCF ch. 202 (Jan. 2023).

### 2. Current unofficial compilation in electronic database

- Wis. Admin. Code Ins § 1.01 (West, Westlaw through 816B Wis. Admin. Reg. (Dec. 26, 2023)).

### 3. Current register

NOTE: Current volumes of the Wisconsin Administrative Register are not available in print or PDF and are not paginated. Older versions of the register might be available in print or PDF and would have page numbers.

- 770 Wis. Admin. Reg. (Feb. 24, 2020).
- 486 Wis. Admin. Reg. 15 (June 30, 1996).

## K. Wisconsin Jury Instructions [§ 20]

NOTE: The Wisconsin Jury Instructions are available on the Wisconsin State Law Library website. *See* Wis. State L. Lib., *Wisconsin Jury Instructions*, <https://wilawlibrary.gov/jury/> (last visited Mar. 28, 2024); *Further Info on WI Jury Instructions Availability – Fastcase, Print, and Superseded/Withdrawn Instructions*, Wisblawg (Feb. 3, 2021), <https://wisblawg.law.wisc.edu/2021/02/03/further-info-on-wi-jury-instructions-availability-fastcase-print-and-superseded-withdrawn-instructions/>.

NOTE: The date for Wisconsin jury instructions is the year shown on the lower left-hand corner of the page. When citing to a jury instruction for which “interim” updates have been released, the month and year should be used. Jury instructions updated after January 2023 have a month/year format: <https://wilawlibrary.gov/newsletter/2302.html>.

The jury instructions committees now anticipate issuing updates twice per year (in January and in July). *See generally* Carol Hassler, *Legal Research 101: Wisconsin Jury Instructions*, InsideTrack (Jan. 4, 2023), <https://www.wisbar.org/NewsPublications/Pages/General-Article.aspx?ArticleID=29527>.

- Wis. JI–Criminal 2661 (2017).
- Wis. JI–Civil 265 (2011).
- Wis. JI–Children 70 (Jan. 2023).

## L. Wisconsin Rules of Professional Responsibility [§ 21]

*See* [SCR](#) 99.03(2) (must cite as “SCR \_\_\_\_ (volume date)”; *Bluebook* tbls.BT2, BT2.2).

- SCR 20:7.3 (2015–16).

NOTE: “SCR” stands for “Supreme Court Rule.”

NOTE: [SCR](#) 99.03(2) states that the “volume date” should be added to the end of the citation, but *Bluebook* rule 12.9.3 states that procedural rules can be cited “without any date.” The State Bar of Wisconsin’s attorney editors advise including the date.

## M. Wisconsin Court Rules [§ 22]

*See generally* [SCR](#) 99.03(2); *Bluebook* R. 12.9.3, tbls.BT2, BT2.2.

- SCR 81.01 (2019–20).
- Milwaukee Cnty. Cir. Ct. R. 3.15.

NOTE: *Bluebook* rule 12.9.3 indicates that a procedural rule can be cited “without any date” if citing to the current version of the rule.

## N. Wisconsin Municipal and County Ordinances [§ 23]

See generally *Bluebook* Rs. 12.9.2, 12.5(b), 18.2.

NOTE: Citations to online official statutes or ordinances can be directly cited regardless if they are also available in print. *Bluebook* R. 12.5(b).

- Madison, Wis., Gen. Ordinances § 32.07 (2024), [https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances?nodeId=COORMAWIVOIVCH32--45\\_CH32LATE\\_32.07SEDEREPR](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIVCH32--45_CH32LATE_32.07SEDEREPR).
- Milwaukee, Wis., Code of Ordinances ch. 5 (2016), <https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/CH5.pdf>.
- Dane Cnty., Wis., *Code of Ordinances* § 32.03 (2023), <https://www.countyofdane.com/documents/pdf/ordinances/ord032.pdf>.
- Waukesha Cnty., Wis., *Code of Ordinances* ch. 2 (2010).

#### IV. PRIMARY FEDERAL AUTHORITIES [§ 24]

##### A. U.S. Supreme Court Opinions [§ 25]

See generally *Bluebook* Rs. B10, 10.

NOTE: Supreme Court opinions are generally available on the internet and many electronic databases on the same day that they are issued. Opinions are published by services within a few days after the date of opinion; within one month or so, the case may be published in the unofficial *Supreme Court Reporter*. In the recent past, more than a few years have elapsed from the date of the opinion to its publication in the official *U.S. Reports*. As of 2024, publication of a case in the *U.S. Reports* might be quicker than it has been in the recent past. Once the case is published in the official *U.S. Reports*, a citation need only refer to the *U.S. Reports*.

##### 1. Published in official reporter (U.S.)

See generally *Bluebook* Rs. B10.1.2, 10.3, 10.4(a), 10.5(a), tbl.T1.1.

- *Obergefell v. Hodges*, 576 U.S. 644 (2015).

##### 2. Not yet published in official reporter

See generally *Bluebook* R. 10.3, tbl.T1.

##### a. Available in unofficial reporters (S. Ct., L. Ed.)

- *FBI v. Fikre*, 144 S. Ct. 771 (2024).
- *Bostock v. Clayton Cnty.*, 207 L. Ed. 2d 218 (2020).

##### b. Reported by service

See generally *Bluebook* Rs. 10.1, 10.3.1, 10.4(a), 19.

- *BP P.L.C. v. Mayor & City Council of Baltimore*, No. 19-1189, 21 Cal. Daily Op. Serv. 4450 (U.S. May 17, 2021).

##### c. Available on electronic database

- *Wilkinson v. Garland*, No. 22-666, 2024 WL 1160995 (U.S. Mar. 19, 2024).

- d. Available on internet

*See generally Bluebook* Rs. 18.1(a), 18.2, 18.2.1, 18.2.2.

- *Macquarie Infrastructure Corp. v. Moab Partners, L.P.*, No. 22-1165 (U.S. Apr. 12, 2024), [https://www.supremecourt.gov/opinions/23pdf/22-1165\\_10n2.pdf](https://www.supremecourt.gov/opinions/23pdf/22-1165_10n2.pdf).

## B. Federal Court of Appeals Opinions [§ 26]

*See generally Bluebook* Rs. B10, 10.1–10.9.

1. Published in official reporter

*See generally Bluebook* Rs. B10.1.2, 10.3, tbl.T1.1.

- *Patterson v. Howe*, 96 F.4th 992 (7th Cir. 2024).

2. Not yet published in official reporter; unpublished opinions

*See generally Bluebook* Rs. 10.3.1, 10.6.1.

NOTE: [Wis. Stat.](#) § 809.23(3) does not bar citation to *all* unpublished federal cases as persuasive authority in Wisconsin courts. Under Federal Rule of Appellate Procedure 32.1(a), a court cannot prohibit a party from citing an unpublished opinion of a federal court or otherwise restrict citation of unpublished opinions issued on or after January 1, 2007. Unpublished cases from the Seventh Circuit Court of Appeals issued before January 1, 2007, cannot be cited as precedent or authority in any federal court. Using a parenthetical, identify the status of such opinions as “unpublished” or “publication pending.” [Wis. Stat.](#) § 809.23(3); Fed. R. App. P. 32.1(a); 7th Cir. R. 32.1.

- a. Available on electronic database

*See generally Bluebook* Rs. 10.5(b), 18.3.

- *Lickers v. United States*, No. 22-1179, 2024 WL 1596908 (7th Cir. Apr. 12, 2024) (publication pending).

- b. Available in slip opinion

*See generally Bluebook* R. 10.8.1(b).

- *Silha v. ACT, Inc.*, No. 15-1083 (7th Cir. Nov. 18, 2015).

- c. Available on internet

*See generally Bluebook* Rs. 10.8.1(c), 18.2, 18.2.1, 18.2.2.

- *United States v. Tate*, No. 23-1399 (7th Cir. Feb. 5, 2024), <https://cases.justia.com/federal/appellate-courts/ca7/23-1399/23-1399-2024-02-05.pdf?ts=1707150669> (nonprecedential disposition).

## C. Federal District Court Opinions [§ 27]

*See generally Bluebook* Rs. B10.1.1–B10.1.3, 10.

1. Published in official reporter

*See generally Bluebook* Rs. B10.1.2, 10.3, tbl.T1.1.

- *Next Millennium Telecom Co. v. Am. Signal Corp.*, 675 F. Supp. 3d 913 (E.D. Wis. 2023).

2. Not published in official reporter

*See generally Bluebook* R. 10.3.1.

a. Available in electronic database

*See Bluebook* Rs. 10.5(b), 18.3.

- *Gialamas v. Fiduciary Partners*, No. 21-cv-481-wmc, 2023 WL 2072025 (W.D. Wis. Feb. 17, 2023) (unpublished).

b. Available in slip opinion

*See Bluebook* R. 10.8.1(b).

- *Healthfuse LLC v. CDH-Delnor Health Sys.*, No. 16-cv-560-pp, slip op. at 1 (E.D. Wis. Mar. 8, 2017).

## D. U.S. Constitution [§ 28]

*See generally Bluebook* Rs. 11, 18.3; *supra* § II.C.7. (discussing capitalization).

1. Current constitutional provision

- U.S. Const. amend. XIV, § 1.
- U.S. Const. amends. I–X.

NOTE: The only short form allowed to be used with constitutions is *id.*

2. Former constitutional provision

- U.S. Const. amend. XVIII (repealed 1933).
- U.S. Const. amend. XVIII, *repealed by* U.S. Const. amend. XXI.

## E. Federal Statutes and Regulations [§ 29]

1. Statutes

*See generally Bluebook* Rs. B12.1.1, 12.2.1, 12.3, 18.2, 18.2.1, 18.2.2, tbl.T1.1.

NOTE: Generally cite to the official code (U.S.C.). Main editions of the U.S.C. have been published every six years since 1934. Supplements to the official code usually are issued each year during the intervening years. *See, e.g.*, U.S. House of Reps., Off. of L. Revision Couns., *United States Code*, <https://uscode.house.gov/download/download.shtml> (last visited Mar. 28, 2024); govinfo, *United States Code*, <https://www.govinfo.gov/app/collection/USCODE> (last visited Mar. 28, 2024). If citing to an annotation or section that has not yet been codified in the U.S.C., cite to an unofficial code, such as U.S.C.A. or U.S.C.S.

NOTE: The *Bluebook* rules for citing federal statutes seem to have changed in the 21st edition. According to the Preface, “Rule 12.3.2 no longer requires a date in citations to the federal code.” In addition, rule 12.1 says, “Citing official codes is preferable, but not required.” But rule 12.2.1 says to cite the official code “[i]f available.”



## a. Current official code

- 42 U.S.C. § 1983.

NOTE: “Citations to the federal code, whether official or unofficial, do not require a date.” *Bluebook* R. 12.3.2. If included, the year should appear parenthetically at the end of the citation.

## b. Current unofficial code

*See Bluebook* Rs. B12.1, 12.3.1(d).

- 45 U.S.C.A. § 747 (West 2021).

- 5 U.S.C.A. § 552 (West).

## c. Current unofficial code and supplement

*See Bluebook* Rs. B12.1.1, 3.1(c), 12.3.1(e).

- 42 U.S.C.A. § 1983 (West 2012 & Supp. 2020).

## d. Current unofficial code in electronic database

*See Bluebook* Rs. 12.5(a), 18.3.

- 29 U.S.C.A. § 651 (West, Westlaw through Pub. L. No. 117-15 (excluding Pub. L. No. 118-41)).

## e. Official session law

*See Bluebook* Rs. B12.1.1, 12.4.

- Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021, Pub. L. No. 117-100, 136 Stat. 44.
- Moving Americans Privacy Protection Act, Pub. L. No. 118-40, 138 Stat. 16 (2024).
- Terrorism Risk Insurance Program Reauthorization Act of 2015, Pub. L. No. 114-1, § 102, 129 Stat. 3, 4.
- GAO Mandates Revision Act of 2016, Pub. L. No. 114-301, 130 Stat. 1514.

## f. Unofficial session law in electronic database

*See Bluebook* Rs. B12.1, 12.5(a), 18.3.

- FISA Sunsets Extension Act of 2011, Pub. L. No. 112-3, 125 Stat. 5 (Westlaw).
- National Windstorm Impact Reduction Act Reauthorization of 2015, Pub. L. No. 114-52, 129 Stat. 496 (Westlaw).

## g. Unofficial session law on internet

*See Bluebook* Rs. 18.2, 18.2.1, 18.2.2.

- Airport and Airway Extension Act of 2011, Pub. L. No. 112-7, 125 Stat. 31, <https://www.gpo.gov/fdsys/pkg/PLAW-112publ7/pdf/PLAW-112publ7.pdf>.
- Equity in Government Compensation Act of 2015, Pub. L. No. 114-93, 129 Stat. 1310, <https://www.gpo.gov/fdsys/pkg/BILLS-114s2036enr/pdf/BILLS-114s2036enr.pdf>.

## 2. Federal rule or regulation

*See generally Bluebook* Rs. 3.3(d), 14.2.

### a. Codified regulation

*See Bluebook* R. 14.2(a), tbl.T1.2.

- 12 C.F.R. § 226.5(a) (2023).
- 12 C.F.R. pt. 226 (2023).
- Treas. Reg. § FYI20.2056(b)-1(g) (example 1) (as amended in 1994).

### b. Final rule

*See Bluebook* R. 6.2(a)(vii), 14.2(a).

- Petroleum-Equivalent Fuel Economy Calculation, 89 Fed. Reg. 22041 (Mar. 29, 2024) (to be codified at 10 C.F.R. pt. 474).
- Electronic Submission of Notices of Appeal to the United States Court of Appeals for the Federal Circuit, Notices of Election, and Requests for Extension of Time for Seeking Judicial Review, 89 Fed. Reg. 22084 (Mar. 29, 2024) (to be codified at 37 C.F.R. pts. 2, 90).
- Final Flood Elevation Determinations, 82 Fed. Reg. 14334 (Mar. 20, 2017) (to be codified at 44 C.F.R. pt. 67).

### c. Proposed rules and other notices

*See Bluebook* R. 14.2(b).

- Airworthiness Directives; Airbus Helicopters, 89 Fed. Reg. 22356 (proposed Apr. 1, 2024).
- Multifamily Housing Program Update to the Credit Report Process, 89 Fed. Reg. 22094 (Mar. 29, 2024) (to be codified at 7 C.F.R. pts. 1910, 1955, 3560).
- Alabama: Final Authorization of State Hazardous Waste Management Program Revisions, 82 Fed. Reg. 14341 (proposed Mar. 20, 2017) (to be codified at 40 C.F.R. pt. 271).

### d. Rules and regulations in electronic databases

*See Bluebook* Rs. 14.4, 18.3.

- Airworthiness Directives; Airbus Helicopters, 89 Fed. Reg. 22356 (Apr. 1, 2024), 2024 WL 1345168.

### e. Rules and regulations on internet

NOTE: *The Bluebook* “requires the use and citation of traditional printed sources when available, unless there is a digital copy of the source available that is authenticated, official, or an exact copy of the printed source.” *Bluebook* R.

18.2. *The Bluebook* further states that “[w]hen an authenticated, official, or exact copy of a source is available online, citation can be made as if to the original print source (without any URL information appended).” *Bluebook* R.

18.2.1(a). Furthermore, “[i]f the cited information is available in a traditional source but such source is so obscure as to be practically unavailable, or if a parallel citation to an internet source will substantially improve access to the source cited, citation should be made both to the traditional source and to the internet source by appending the URL directly to the end of the citation.” *Bluebook* R. 18.2.1(b)(i); see *Bluebook* Rs. 18.2, 18.2.1, 18.2.2.

- Outer Continental Shelf Air Regulations; Consistency Update for North Carolina, 89 Fed. Reg. 22087 (Mar. 29, 2024) (to be codified at 40 C.F.R. pt. 56), <https://www.govinfo.gov/content/pkg/FR-2024-03-29/pdf/2024-06607.pdf>.

## F. Federal Court Rules [§ 30]

See generally *Bluebook* Rs. 3.4, 12.9.3.

### 1. U.S. Supreme Court rules

- Sup. Ct. R. 28.

### 2. Evidence and procedure rules

- Fed. R. App. P. 28(b)(4).
- Fed. R. Civ. P. 17 advisory committee’s note to 1966 amendment.
- Fed. R. Evid. 701, 702, 703.
- Fed. R. Crim. P. 38(a).
- Fed. R. Bankr. P. 4002(b)(5).

### 3. Seventh Circuit rules

- 7th Cir. R. 33.

### 4. District court rules

See *Bluebook* R. BT2.1.

- E.D. Wis. Gen. R. 47(c).
- W.D. Wis. L.R. 47.2.

## V. SECONDARY AUTHORITIES [§ 31]

### A. American Law Reports [§ 32]

See generally *Bluebook* R. 16.7.6.

- Tracy Bateman Farrell, Annotation, *Validity, Construction, and Application of 18 U.S.C.A. § 373, Proscribing Solicitation to Commit Crime of Violence*, 49 A.L.R. Fed. 2d 333 (2010).
- Jay M. Zitter, Annotation, *Excessiveness or Inadequacy of Compensatory Damages for False Imprisonment or Arrest*, 48 A.L.R.4th 165 (1986).

**B. Legal Encyclopedias and Dictionaries [§ 33]**

*See generally Bluebook* Rs. B15.1, 15.8(a), 15.9(a).

- 7A Am. Jur. 2d *Automobiles and Highway Traffic* § 332 (2017).
- 49 Am. Jur. 2d *Landlord and Tenant* § 730, Westlaw (database updated May 2021).
- 84 C.J.S. *Taxation* § 123 (2022).
- *Lessor*, Black's Law Dictionary (11th ed. 2019).

CAUTION: *The Bluebook* appears to recommend italicizing both the word being cited and the title of the dictionary. The State Bar of Wisconsin's attorney editors recommend italicizing only the defined term.

**C. Uniform Acts, Sentencing Guidelines, Model Codes, Standards, and Restatements [§ 34]**

*See generally Bluebook* R. 12.9.4.

- Unif. Mediation Act § 2 (Unif. L. Comm'n 2003).
- Guidelines Manual § 3E1.1 (U.S. Sentencing Comm'n 2023), <https://www.ussc.gov/sites/default/files/pdf/guidelines-manual/2023/GLMFull.pdf>.
- Model Bus. Corp. Act § 8.02 (Am. Bar Ass'n 2016).
- Standards for Criminal Justice: Defense Functions (Am. Bar Ass'n 2017).
- Restatement (Second) of Torts § 549 (Am. L. Inst. 1977).
- Restatement (Third) of Prop.: Servitudes § 1.3 cmt. e (Am. L. Inst. 2000).

**D. Wisconsin Ethics Opinions [§ 35]**

*See generally Bluebook* R. 12.9.5.

- State Bar of Wis. Comm. on Pro. Ethics, Formal Op. EF-21-01 (2021), <https://www.wisbar.org/formembers/ethics/Ethics%20Opinions/EF-21-01%20Threatening%20Criminal%20Prosecution%20FINAL.pdf>.

**E. Books and Treatises [§ 36]**

*See generally Bluebook* Rs. B15, 15, 18.2.2.

- 2 Ronald J. Cooke, *ERISA Practice and Procedure* § 7.33, at 7-134 (2d ed. 1996).
- 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1431, at 275–76 (4th ed. 2010 & Supp. 2020).
- Bryan A. Garner, *Garner's Dictionary of Legal Usage* 460 (3d ed. 2011).
- Corey F. Finkelmeyer et al., *Wisconsin Governmental Claims and Immunities* (4th ed. 2020 & Supp. 2022).
- 3 *The Law of Damages in Wisconsin* § 31.10 (Russell M. Ware ed., 9th ed. 2023 & Supp. 2024).

- 8 Jay E. Grenig & Jeffrey S. Kinsler, *Wisconsin Practice Series: Civil Discovery* § 10:18 (2d ed. 2005).
- Kathleen Pakes, *Wisconsin Criminal Defense Manual* § 8.1 (7th ed. 2020 & Supp.), <https://booksunbound.wisbar.org/w/wisbar> (log in and click on “Criminal Defense Manual, Wisconsin”).

NOTE: “*The Bluebook* requires the use and citation of traditional printed sources when available, unless there is a digital copy of the source available that is authenticated, official, or an exact copy of the printed source . . .” *Bluebook* R. 18.2. Because books published in online Books UnBound differ in format from their print counterparts, the print versions of State Bar of Wisconsin PINNACLE books could be cited in official filings. *See id.* R. 15.9(c) (“Print versions are authoritative . . .”). However, *Bluebook* rule 15.9(c) notes that “ebooks should be cited only if they are the sole media through which the book is available.” Thus the ebook version could also be cited. The citation could be adapted by omitting the volume number (if there is one).

## F. Articles in Periodicals [§ 37]

*See generally Bluebook* Rs. B16, 16, 18.2.2.

- Aaron R. Gary, *How to Buy a Liquor Store or Other Business with a Retail Alcohol Beverage License*, Wis. Law., Nov. 2011, at 31.
- Jeffrey A. Mandell & Isaac S. Brodkey, *Wisconsin Fair Dealership Law Turns 50: Developments Lawyers Should Know*, Wis. Law., Mar. 2024, <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=97&Issue=3&ArticleID=30277>.
- Lee-ford Tritt, *Moving Forward by Looking Back: The Retroactive Application of Obergefell*, 2016 Wis. L. Rev. 873.
- Todd C. Peppers & Chad M. Oldfather, *Till Death Do Us Part: Chief Justices and the United States Supreme Court*, 95 Marq. L. Rev. 709 (2011).
- Becca Schuh, *Alexandra Tanner Wrote a Novel for the Terminally Online*, Interview (Mar. 29, 2024), <https://www.interviewmagazine.com/literature/alexandra-tanner-wrote-a-novel-for-the-terminally-online>.

NOTE: Online newspapers can be cited in place of print newspapers. *Bluebook* R. 16.6(f).

- Nicholas Garton, *Evers Signs Bill Allowing Former Sex Offenders to Be Tracked for Life*, Cap Times, Apr. 1, 2024, [https://captimes.com/news/government/evers-signs-bill-allowing-former-sex-offenders-to-be-tracked-for-life/article\\_802f1bde-f02f-11ee-b563-c36bd16f7288.html](https://captimes.com/news/government/evers-signs-bill-allowing-former-sex-offenders-to-be-tracked-for-life/article_802f1bde-f02f-11ee-b563-c36bd16f7288.html).

## G. Articles in Newsletters [§ 38]

*See generally Bluebook* Rs. 16.7.8, 18.2.2.

- Jeff M. Brown, *50-Year Member: Attorney Linda Roberson*, InsideTrack (Mar. 20, 2024), <https://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=16&Issue=5&ArticleID=30312>.
- *Colorino and Trincadeira Approved as Grape Variety Names*, TTB Newsl. (Mar. 29, 2024), <https://content.govdelivery.com/accounts/USTTB/bulletins/3934f03>.

## H. Blog Posts [§ 39]

*See generally Bluebook* Rs. B16, 16.7.8, 18.2.2.

- Alex Kapitan, *Conscious Communication and the Power of Language*, Radical Copyeditor (May 30, 2023), <https://radicalcopyeditor.com/2023/05/30/conscious-communication-and-the-power-of-language/>.

- Kristen S. Scheuerman, *A Punitive Damages Primer*, State Bar of Wis.: Litigation Blog (Mar. 27, 2024), <https://www.wisbar.org/NewsPublications/Pages/General-Article.aspx?ArticleID=30326>.

## I. Social Media Posts [§ 40]

*See generally Bluebook* R. 18.1(a), 18.2.2.

- State Bar of Wis., Facebook (Apr. 5, 2024, 3:26 PM), <https://www.facebook.com/StateBarofWI/posts/944459071021354>
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<sup>1</sup> Unless otherwise indicated, all references in this book to the Wisconsin Statutes and Wisconsin Supreme Court Rules are to the 2021–22 Wisconsin Statutes, as affected by acts through 2023 Wis. Act 272. In this book, citations in the bulleted examples and textual notes generally follow *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass’n et al. eds., 21st ed. 2020) [hereinafter *The Bluebook*] and SCR ch. 80.